

**JOURNAL**  
**OF THE THIRD SESSION**  
**OF**  
**THE SENATE**  
**OF**  
**THE UNITED STATES OF AMERICA,**  
**BEGUN AND HELD**  
**AT THE CITY OF PHILADELPHIA,**  
**DECEMBER 6, 1790,**  
**AND IN THE FIFTEENTH YEAR OF THE INDEPENDENCE OF THE SAID STATES.**

---

Printed by order of the Senate of the United States.

---

**WASHINGTON :**  
**PRINTED BY GALES & SEATON.**

**1820.**

# JOURNAL

OF THE THIRD SESSION OF THE SENATE OF THE UNITED STATES,  
BEGUN AND HELD AT THE CITY OF PHILADELPHIA, DECEMBER 6,  
1790, AND IN THE FIFTEENTH YEAR OF THE INDEPENDENCE OF  
THE SAID STATES: VIZ.

NEW HAMPSHIRE,  
MASSACHUSETTS,  
RHODE ISLAND,  
CONNECTICUT,  
NEW YORK,

NEW JERSEY,  
PENNSYLVANIA,  
DELAWARE,  
MARYLAND,  
VIRGINIA,

NORTH-CAROLINA,  
SOUTH CAROLINA,  
GEORGIA,

Being the thirteen States that have respectively ratified the Constitution of Government for the United States, proposed by the Convention held at Philadelphia, on the 17th September, 1787.

---

MONDAY, DECEMBER 6, 1790.

The Senate assembled: present,

JOHN ADAMS, Vice President of the United States, and President of the Senate.

From New Hampshire, the Honorable	{ John Langdon, and
Massachusetts, the Honorable	{ Paine Wingate,
Connecticut, the Honorable	{ Tristram Dalton,
New-York, the Honorable	{ Oliver Ellsworth,
Pennsylvania, the Honorable	{ Rufus King,
Delaware, the Honorable	{ William Maclay, and
North-Carolina, the Honorable	{ Robert Morris,
South-Carolina, the Honorable	{ Richard Bassett,
Georgia, the Honorable	{ Samuel Johnston, and
	{ Benjamin Hawkins,
	{ Pierce Butler, and
	{ Ralph Izard,
	{ William Few.

The Honorable Philemon Dickinson, from the state of New Jersey, produced his credentials, and took his seat in the Senate, in the place of his Excellency Governor Paterson, resigned.

The Honorable James Monroe, appointed by the Legislature of the state of Virginia in the place of the Honorable John Walker, who was appointed by the executive of the said state in the room of the Honorable William Grayson, deceased, produced his credentials, and took his seat in the Senate.

The Vice President administered the oath required by law to Mr. Dickinson and Mr. Monroe, respectively.

A letter was read from his Excellency William Paterson, Governor of the state of New Jersey, communicating the resignation of his appointment to be a Senator of the United States.

*Ordered*, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and ready to proceed to business.

The Senate adjourned to 11 o'clock to-morrow.



TUESDAY, DECEMBER 7, 1790.

The Senate assembled: present as yesterday.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President* : I am directed to inform the Senate that a quorum of the House of Representatives is assembled, and ready to proceed to business. And he withdrew.

The petition of James Alexander was read, praying that he might be appointed serjeant-at-arms, door-keeper, or messenger.

*Ordered*, That this petition lie on the table.

*Resolved*, That Messrs. Langdon and Morris be a committee, on the part of the Senate, with such committee as the House of Representatives may appoint on their part, to inform the President of the United States that a quorum of the two Houses is assembled, and will be ready, in the Senate Chamber, at such time as the President of the United States may appoint, to receive any communications he may be pleased to make.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in this resolution.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President* : The House of Representatives have resolved that a committee be appointed, jointly with such committee as the Senate shall appoint, to wait on the President of the United States, and notify him that a quorum of both Houses is assembled. And he withdrew.

The resolution of the House of Representatives was read.

A message from the House of Representatives, by Mr. Beckley, their Clerk :

*Mr. President* : I am directed to inform the Senate, that the House of Representatives have disagreed to the resolution of the Senate, of this day, appointing a joint committee to wait on the President of the United States. And he withdrew.

The Senate proceeded to consider the resolution of the House of Representatives, of this day, appointing a committee, "jointly with such committee as the Senate shall appoint, to wait on the President of the United States;" and,

*Resolved*, That they do concur in the said resolution, and that Messrs. Langdon and Morris be the committee on the part of the Senate.

*Ordered*, That the Secretary acquaint the House of Representatives of the concurrence of the Senate in this resolution.

Mr. Langdon, from the joint committee appointed to wait on the President of the United States, agreeably to the resolution of the two Houses of this day, reported,

That they had executed the business, and that the President of the United States proposed to-morrow, at 12 o'clock, to meet the two Houses of Congress in the Senate Chamber.

The Senate adjourned to 11 o'clock to-morrow.

WEDNESDAY, DECEMBER 8, 1790.

The Senate assembled: present as yesterday, and the honorable Jonathan Elmer, from the state of New Jersey; the Honorable Caleb Strong, from the state of Massachusetts; and the Honorable George Read, from the state of Delaware, attended.

A letter from Messrs. Evan Thomas and Andrew Geyer, in behalf of the commissioners of the city and county of Philadelphia, was, by Mr. Morris, presented, and read, offering "the county court-house in Philadelphia to the Representatives of the Union, for their accommodation during their residence in the city of Philadelphia."

*Ordered*, That the Secretary inform the House of Representatives that the Senate are ready to meet them in the Senate Chamber, to receive any communications the President of the United States may be pleased to make to the two Houses of Congress; and that the usual seats will be assigned them.

The House of Representatives having accordingly taken their seats, the President of the United States came into the Senate Chamber, and addressed both Houses of Congress as followeth :

*Fellow Citizens of the Senate,  
and House of Representatives:*

In meeting you again, I feel much satisfaction in being able to repeat my congratulations on the favorable prospects which continue to distinguish our public affairs. The abundant fruits of another year have blessed our country with plenty, and with the means of a flourishing commerce. The progress of public credit is witnessed by



a considerable rise of American stock abroad as well as at home; and the revenues, allotted for this and other national purposes, have been productive beyond the calculations by which they were regulated. This latter circumstance is the more pleasing, as it is not only a proof of the fertility of our resources, but as it assures us of a further increase of the national respectability and credit; and, let me add, as it bears an honorable testimony to the patriotism and integrity of the mercantile and marine part of our citizens. The punctuality of the former, in discharging their engagements, has been exemplary.

In conforming to the powers vested in me by acts of the last session, a loan of three millions of florins, towards which some provisional measures had previously taken place, has been completed in Holland. As well the celerity with which it has been filled, as the nature of the terms, (considering the more than ordinary demand for borrowing, created by the situation of Europe,) give a reasonable hope that the further execution of those powers may proceed with advantage and success. The Secretary of the Treasury has my directions to communicate such further particulars as may be requisite for more precise information.

Since your last sessions, I have received communications by which it appears that the district of Kentucky, at present a part of Virginia, has concurred in certain propositions contained in a law of that state; in consequence of which, the district is to become a distinct member of the Union, in case the requisite sanction of Congress be added. For this sanction, application is now made. I shall cause the papers, on this very important transaction, to be laid before you. The liberality and harmony with which it has been conducted will be found to do great honor to both the parties; and, the sentiments of warm attachment to the Union and its present government, expressed by our fellow citizens of Kentucky, cannot fail to add an affectionate concern for their particular welfare to the great national impressions under which you will decide on the case submitted to you.

It has been heretofore known to Congress, that frequent incursions have been made on our frontier settlements by certain banditti of Indians from the northwest side of the Ohio. These, with some of the tribes dwelling on, and near, the Wabash, have of late been particularly active in their depredations; and, being emboldened by the impunity of their crimes, and aided by such parts of the neighboring tribes, as could be seduced to join in their hostilities, or afford them a retreat for their prisoners and plunder, they have, instead of listening to the humane invitations and overtures made on the part of the United States, renewed their violences with fresh alacrity, and greater effect. The lives of a number of valuable citizens have thus been sacrificed, and some of them under circumstances peculiarly shocking; whilst others have been carried into a deplorable captivity.

These aggravated provocations rendered it essential to the safety of the western settlements, that the aggressors should be made sensible that the government of the Union is not less capable of punishing their crimes, than it is disposed to respect their rights and reward their attachments. As this object could not be effected by defensive measures, it became necessary to put in force the act which empowers the President to call out the militia for the protection of the frontiers; and I have, accordingly, authorized an expedition, in which the regular troops in that quarter are combined with such draughts of militia as were deemed sufficient: the event of the measure is yet unknown to me. The Secretary of War is directed to lay before you a statement of the information on which it is founded, as well as an estimate of the expense with which it will be attended.

The disturbed situation of Europe, and particularly the critical posture of the great maritime powers, whilst it ought to make us the more thankful for the general peace and security enjoyed by the United States, reminds us, at the same time, of the circumspection with which it becomes us to preserve these blessings. It requires, also, that we should not overlook the tendency of a war, and even of preparations for a war, among the nations most concerned in active commerce with this country, to abridge the means, and thereby at least enhance the price of transporting its valuable productions to their proper markets. I recommend it to your serious reflections how far, and in what mode, it may be expedient to guard against embarrassments from these contingencies, by such encouragements to our own navigation as will render our commerce and agriculture less dependant on foreign bottoms, which may fail us in the very moments most interesting to both of these great objects. Our fisheries, and the transportation of our own produce, offer us abundant means for guarding ourselves against this evil.

Your attention seems to be not less due to that particular branch of our trade which



belongs to the Mediterranean. So many circumstances unite in rendering the present state of it distressful to us, that you will not think any deliberations misemployed, which may lead to its relief and protection.

The laws you have already passed, for the establishment of a judiciary system, have opened the doors of justice to all description of persons. You will consider, in your wisdom, whether improvements in that system may yet be made; and, particularly, whether an uniform process of execution, on sentences issuing from the federal courts, be not desirable through all the states.

The patronage of our commerce, of our merchants, and seamen, has called for the appointment of consuls in foreign countries. It seems expedient to regulate by law the exercise of that jurisdiction, and those functions which are permitted them, either by express convention, or by a friendly indulgence, in the places of their residence. The Consular Convention too, with His Most Christian Majesty, has stipulated, in certain cases, the aid of the national authority to his consuls established here. Some legislative provision is requisite to carry these stipulations into full effect.

The establishment of the militia, of a mint, of standards of weights and measures, of the post office and post roads, are subjects which (I presume) you will resume of course, and which are abundantly urged by their own importance.

*Gentlemen of the House of Representatives :*

The sufficiency of the revenues you have established for the objects to which they are appropriated, leaves no doubt that the residuary provisions will be commensurate to the other objects for which the public faith stands now pledged. Allow me, moreover, to hope that it will be a favorite policy with you not merely to secure a payment of the interest of the debt funded, but, as far and as fast as the growing resources of the country will permit, to exonerate it of the principal itself. The appropriation you have made of the western lands, explains your dispositions on this subject, and I am persuaded the sooner that valuable fund can be made to contribute, along with other means, to the actual reduction of the public debt, the more salutary will the measure be to every public interest, as well as the more satisfactory to our constituents.

*Gentlemen of the Senate,  
and House of Representatives:*

In pursuing the various and weighty business of the present session, I indulge the fullest persuasion that your consultations will be equally marked with wisdom, and animated by the love of your country. In whatever belongs to my duty, you shall have all the co-operation which an undiminished zeal for its welfare can inspire. It will be happy for us both, and our best reward, if, by a successful administration of our respective trusts, we can make the established government more and more instrumental in promoting the good of our fellow citizens, and more and more the object of their attachment and confidence.

G. WASHINGTON.

*United States, December 8, 1790.*

The President of the United States having retired, and the two Houses being separated,

*Ordered,* That Messrs. Ellsworth, King, and Izard, be a committee to prepare and report the draft of an address to the President of the United States, in answer to his speech delivered this day, to both Houses of Congress, in the Senate Chamber.

*Ordered,* That the speech of the President of the United States, delivered this day, be printed for the use of the Senate.

The Senate adjourned to 11 o'clock to-morrow.

**THURSDAY, DECEMBER 9, 1790.**

The Senate assembled: present as yesterday.

*Ordered,* That the following letter be addressed to the commissioners of the city and county of Philadelphia, in reply to their letter of the 6th of December, addressed to the Senate and House of Representatives of the United States:

*Gentlemen:*

The Senate have considered the letter that you were pleased to address to the Senate and the House of Representatives, on the 6th instant, and they entertain a proper sense of the respect shown to the general government of the United States, by



providing so commodious a building as the commissioners of the city and county of Philadelphia have appropriated for the accommodation of the Representatives of the Union, during their residence in this city.

I have the honor to be,

Your most humble servant,

JOHN ADAMS,

*Vice President of the United States,  
and President of the Senate.*

*To the COMMISSIONERS of the City  
and County of Philadelphia.*

A message from the House of Representatives, by Mr. Beckley, their Clerk :

*Mr. President :* The House of Representatives have resolved that two chaplains of different denominations be appointed to Congress, for the present session; one by each House, who shall interchange weekly. And he withdrew.

Whereupon the Senate proceeded to consider the resolution of the House of Representatives, of this day, for the appointment of two chaplains; and

*Resolved,* That they do concur therein, and that the Right Rev Dr. William White be appointed on the part of the Senate.

*Ordered,* That the Secretary communicate the concurrence of the Senate in this resolution to the House of Representatives, together with their proceedings thereon.

A message from the President of the United States, by Mr. Lear, his Secretary; who communicated sundry papers referred to in the President's speech to both Houses of Congress, on the 8th instant. And he withdrew.

*Danville, October 4th, 1790.*

SIR: By order of Convention, I now enclose to you a copy of the resolutions of Convention, respecting the separation of the district of Kentucky from the state of Virginia; and their address to the President and Congress of the United States.

I have the honor to be, &c.

GEORGE MUTER,

*President of the Convention.*

*The PRESIDENT of the United States.*

*District of Kentucky, to wit:*

*In Convention, July 28th, 1790.*

*Resolved,* That it is expedient for, and the will of, the good people of the District of Kentucky, that the same be erected into an independent state, on the terms and conditions specified in an act of the Virginia assembly, passed the 18th day of December, 1789, entitled "An act concerning the erection of the District of Kentucky into an independent state."

*Resolved,* That we, the Representatives of the people of Kentucky, duly elected in pursuance of an act of the Legislature of Virginia, passed the 18th day of December, 1789, entitled "An act concerning the erection of the District of Kentucky into an independent state," and now met in convention; having, with full powers, maturely investigated the expediency of the proposed separation on the terms and conditions specified in the above recited act; do, by these presents, and in behalf of the people of Kentucky, accept the terms and conditions, and do declare that, on the 1st day of June, 1792, the said district of Kentucky shall become a state separate from, and independent of, the government of Virginia, and that the said articles become a solemn compact, binding on the said people.

To the President, and the Honorable the Congress of the United States of America. The memorial of the Representatives of the people of Kentucky, in Convention assembled, pursuant to an act of the Legislature of Virginia, passed the 18th December, 1789, entitled "An act concerning the erection of the District of Kentucky into an independent state, *humbly sheweth :*

That the inhabitants of this country are warmly devoted to the American Union, and as firmly attached to the present happy establishment of the federal government, as any of the citizens of the United States.

That, migrating from thence, they have, with great hazard and difficulty, effected their present settlements. The hope of increasing numbers could alone have supported the early adventurers under those arduous exertions. They have the satisfaction to find that hope verified. At this day, the population and strength of this coun-



try render it fully able, in the opinion of your memorialists, to form and support an efficient domestic government.

The inconveniences resulting from its local situation, as a part of Virginia, at first but little felt, have for some time been objects of their most serious attention; which occasioned application to the Legislature of Virginia for redress.

Here your memorialists would acknowledge, with peculiar pleasure, the benevolence of Virginia in permitting them to remove the evils arising from that source, by assuming upon themselves a state of independence.

This they have thought expedient to do, on the terms and conditions stipulated in the above recited act; and fixed on the first day of June, 1792, as the period when the said independence shall commence.

It now remains with the President and the Congress of the United States to sanction these proceedings, by an act of their honorable legislature, prior to the first day of November, 1791, for the purpose of receiving into the federal union the people of Kentucky, by the name of the state of Kentucky.

Should this determination of your memorialists meet the approbation of the general government, they have to call a convention, to form a constitution, subsequent to the act of Congress, and prior to the day fixed for the independence of this country.

When your memorialists reflect on the present comprehensive system of federal government, and when they also recollect the determination of a former Congress on this subject, they are left without a doubt that the object of their wishes will be accomplished.

And your memorialists, as in duty bound, shall forever pray.

GEORGE MUTER, *Pr.*

Attest,

THOMAS TODD, *Clerk of the C.*

A letter from the Secretary of War was communicated to the Vice President, enclosing sundry papers referred to in the President's speech to both Houses of Congress, on the 8th instant, which, being read, were ordered to lie for consideration.

The Senate adjourned to 11 o'clock to-morrow.

#### FRIDAY, DECEMBER 10, 1790.

The Senate assembled: present as yesterday.

A letter from Monsieur Beniere, President of the commonalty of Paris, addressed to the President and members of Congress of the United States, with twenty-six copies of a civic eulogy on Benjamin Franklin, pronounced the 21st day of July, 1790, in the name of the commonalty of Paris, by Monsieur L'Abbe Fauchet, was delivered to the Senate, by Mr. Lear, Secretary to the President of the United States. And he withdrew.

Read, and

*Ordered*, That the letter and copies of the eulogy be sent to the House of Representatives.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have, on their part, appointed the Reverend Doctor Blair, one of the Chaplains to the present Congress. And he withdrew.

Mr. Ellsworth, from the committee appointed to prepare and report the draft of an address to the President of the United States, reported accordingly; and, the report being amended, was adopted as followeth:

To the President of the United States of America.

We receive, Sir, with particular satisfaction, the communications contained in your speech, which confirm to us the progressive state of the public credit, and afford, at the same time, a new proof of the solidity of the foundation on which it rests; and we cheerfully join in the acknowledgment which is due to the probity and patriotism of the mercantile and marine part of our fellow-citizens, whose enlightened attachment to the principles of good government is not less conspicuous in this, than it has been in other important respects.

In confidence that every constitutional preliminary has been observed, we assure you of our disposition to concur, in giving the requisite sanction, to the admission of Kentucky as a distinct member of the Union; in doing which, we shall anticipate the happy effects to be expected from the sentiments of attachment towards the Union, and its present government, which have been expressed by the patriotic inhabitants of that district.



While we regret that the continuance and increase of the hostilities and depredations which have distressed our northwestern frontiers, should have rendered offensive measures necessary, we feel an entire confidence in the sufficiency of the motives which have produced them, and in the wisdom of the dispositions which have been concerted, in pursuance of the powers vested in you; and, whatever may have been the event, we shall cheerfully concur in the provisions which the expedition, that has been undertaken, may require on the part of the legislature, and in any other which the future peace and safety of our frontier settlements may call for.

The critical posture of the European powers will engage a due portion of our attention, and we shall be ready to adopt any measures, which a prudent circumspection may suggest, for the preservation of the blessings of peace. The navigation, and the fisheries, of the United States, are objects too interesting not to inspire a disposition to promote them, by all the means which shall appear to us consistent with their natural progress and permanent prosperity.

Impressed with the importance of a free intercourse with the Mediterranean, we shall not think any deliberations misemployed, which may conduce to the adoption of proper measures for removing the impediments that obstruct it.

The improvement of the judiciary system, and the other important objects to which you have pointed our attention, will not fail to engage the consideration they respectively merit.

In the course of our deliberations, upon every subject, we shall rely upon that co-operation which an undiminished zeal, and incessant anxiety for the public welfare, on your part, so thoroughly ensure; and, as it is our anxious desire, so it shall be our constant endeavor, to render the established government more and more instrumental in promoting the good of our fellow-citizens, and more and more the object of their attachment and confidence.

*Ordered*, That the address to the President of the United States, in answer to his speech, be presented by the Vice President, attended by the Senate, and that the committee which reported the address wait on the President, and desire to be informed at what time and place he will receive the same.

The Senate adjourned to Monday, at 11 o'clock.

#### MONDAY, DECEMBER 13, 1790.

The Senate assembled: present as on the 10th; and the honorable William S. Johnson, from the state of Connecticut; and the honorable Philip Schuyler, from the state of New York, attended.

Mr. Ellsworth, from the committee appointed on the 10th to wait on the President of the United States, reported,

That it would be agreeable to the President to receive the address of the Senate, in answer to his speech to both Houses of Congress, on Monday next, at 12 o'clock: whereupon,

The Senate waited on the President of the United States at his own house, and the Vice President, in their name, communicated to him the address agreed to on the 10th instant; to which, the President of the United States was pleased to make the following reply:

GENTLEMEN: These assurances of favorable attention to the subjects I have recommended, and of entire confidence in my views, make the impression on me which I ought to feel. I thank you for them both, and shall continue to rely much for the success of all our measures for the public good, on the aid they will receive from the wisdom and integrity of your councils.

G. WASHINGTON.

The Senate returned to the Senate Chamber.

On motion,

*Ordered*, That the Secretary furnish the members of Senate, from such printers as they may respectively direct, each, three newspapers, to be left, from time to time during the session, at their several places of abode.

The Senate adjourned to 11 o'clock to-morrow.

#### TUESDAY, DECEMBER 14, 1790.

The Senate assembled: present as yesterday.

A written message from the President of the United States was, by his Secretary, delivered to the Vice President. And he withdrew.



*Gentlemen of the Senate,  
and House of Representatives :*

Having informed Congress of the expedition which had been directed against certain Indians northwest of the Ohio, I embrace the earliest opportunity of laying before you the official communications which have been received upon that subject.

G. WASHINGTON.

*United States, December 14, 1790.*

The message, and communications referred to, being read, were ordered to lie for consideration.

On motion,

*Ordered*, That Messrs. Schuyler, Monroe, and Johnson, be a committee to consider and report on the papers referred to in the President's speech, relative to the district of Kentucky.

The Senate adjourned to 11 o'clock to-morrow.

### WEDNESDAY, DECEMBER 15, 1790.

The Senate assembled: present as yesterday; and the honorable Joseph Stanton, jr. from the state of Rhode Island, attended.

*Ordered*, That Messrs. Langdon, Morris, King, Strong and Ellsworth, be a committee to consider that part of the President's speech which relates to the commerce of the Mediterranean.

The petition of Ann Roberts, widow of colonel Owen Roberts, of South Carolina, mortally wounded at the attack made on the British lines at Stony Ferry, 20th June, 1779, was read, praying that she may be allowed the "seven years half-pay of a colonel, as the widow of the aforesaid colonel Roberts; agreeably to an act of Congress of 20th August, 1780,"

*Ordered*, That this petition lie on the table.

The petition of Samuel Prioleau, jr. was read, praying for compensation for certain buildings pulled down in the town of Charleston, South Carolina, by order of general Lincoln, the materials whereof were converted to the defence of that town during the late war.

*Ordered*, That the petition lie on the table.

The Senate adjourned to 11 o'clock to-morrow.

### THURSDAY, DECEMBER 16, 1790.

The Senate assembled: present as yesterday.

*Ordered*, That Messrs. Schuyler, Hawkins, and Ellsworth, be a committee to prepare and bring in a bill supplementary to the act, entitled "An act making further provision for the payment of the debts of the United States."

Mr. Schuyler, from the above mentioned committee, reported a bill, which was read the first time.

*Ordered*, That this bill pass to the second reading.

*Ordered*, That Messrs. Ellsworth, Hawkins, and Schuyler, be a committee to take into consideration and report on that part of the President's speech which relates to the appointment of consuls.

The Senate adjourned to 11 o'clock to-morrow.

### FRIDAY, DECEMBER 17, 1790.

The Senate assembled: present as yesterday; and, the honorable Theodore Foster, from the state of Rhode Island, attended.

Agreeably to the order of the day, the Senate proceeded to the second reading of the bill, "supplementary to the act, entitled 'An act making further provision for the payment of the debts of the United States.'"

Agreed, by unanimous consent, so far to dispense with the rule, as that this bill now pass to the third reading.

*Resolved*, That this bill do pass, that it be entitled "An act supplementary to an act, entitled 'An act making further provision for the payment of the debts of the United States,'" that it be engrossed and carried to the House of Representatives for concurrence therein.

The Senate adjourned to Monday next, at 11 o'clock.



MONDAY, DECEMBER 20, 1790.

The Senate assembled: present as on the 17th.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives have passed a bill, entitled "An act to continue an act, entitled 'An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations,'" in which they desire the concurrence of the Senate. And he withdrew.

*Ordered* That this bill be read the first time.

*Ordered,* That this bill pass to the second reading.

The memorial and remonstrance of the public creditors who are citizens of the commonwealth of Pennsylvania, praying for the revision of "An act making provision for the debt of the United States," was, by Mr. Morris, presented and read.

*Ordered,* That this memorial lie on the table.

The Senate adjourned to 11 o'clock to-morrow.

TUESDAY, DECEMBER 21, 1790.

The Senate assembled: present as yesterday.

Agreeably to the order of the day, proceeded in the second reading of the bill, entitled "An act to continue an act, entitled 'An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations.'"

*Ordered,* That this bill be committed to Messrs. Hawkins, Langdon, and Read.

The Vice President, from the commissioners appointed by the law passed the last session of Congress, "making provision for the reduction of the public debt," communicated the following report:

PHILADELPHIA, *December 21st, 1790.*

The Vice President of the United States and President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, respectfully report to the Congress of the United States of America,

That, pursuant to the act, entitled "An act making provision for the reduction of the public debt," they, on the 26th day of August last, convened at the city of New York, and entered upon the execution of the trust thereby reposed in them.

That, in conformity to a resolution agreed upon by them on the 27th, and approved by the President of the United States on the 28th of the said month, they have caused purchases of the said debt to be made, through the agency of Samuel Meredith, Treasurer of the United States, which, on the 6th day of December instant, amounted to two hundred and seventy-eight thousand six hundred and eighty-seven dollars and thirty cents, and for which there have been paid one hundred and fifty-thousand two hundred and thirty-nine dollars and twenty-four cents in specie; as will more particularly appear by a return of the said Samuel Meredith, confirmed by an authenticated copy of his account, settled at the Treasury of the United States, which are herewith submitted, and prayed to be received as part of this report, and in which are specified the places where, the times when, the prices at which, and the persons of whom, the said purchases have been made.

Signed, by order of the board,

JOHN ADAMS.

TREASURY DEPARTMENT,

*Auditor's Office, Dec. 20, 1790.*

I have examined and adjusted an account between the United States and Samuel Meredith, Esq. agent to the trustees named in the act of Congress, passed on the 12th day of August, 1790, for reducing the domestic debt; for purchases of said debt made before the 7th day of December, 1790, and find that the said Samuel Meredith, Esq. is debited in the books of the Treasury for this sum advanced to him on account of said agency - - - - - \$ 200,000

I also find that the following purchases have been made by said agent:

In certificates of registered debt, issued by the Register of the Treasury, exclusive of interest since the first day of January, 1788, purchased at thirteen shillings on the pound - - - - -	54,494 99
In certificates purchased at twelve shillings and ten pence on the pound	1,500 00



In said certificates, purchased at twelve shillings and six-pence on the pound	\$ 87,434 95
In funded six per cent. stock on the books of the Treasury, purchased at fourteen shillings on the pound	60,688 54
In funded three per cent. stock on the books of the Treasury, purchased at seven shillings and two-pence two farthings on the pound	10,484 14
In deferred six per cent. stock on the books of the Treasury, purchased at six shillings on the pound	13,262 49
In indents of interest issued by direction of the late Board of Treasury, purchased at seven shillings and four-pence on the pound	299 00
In said indents of interest, purchased at seven shillings and two-pence on the pound	19,988 12
In warrants drawn on the Treasury for said indents, purchased at seven shillings and four-pence on the pound	800 30
In said warrants, purchased at seven shillings and two-pence on the pound	3,462 16
In arrearages of interest on certificates, calculated to the first day of January, 1788, for which payment was made, as for indents, at seven shillings and two-pence on the pound	455 23
Amounting to	252,869 92
On the certificates of registered debt before mentioned, amounting in the whole to \$143,429 94, interest was due from January 1st, 1788, in addition to the sums before stated, which interest, calculated to the 1st day of January, 1791, would amount to	25,817 38
The amount of the domestic debt extinguished by the purchases of the said agent, including interest thereon to January 1, 1791, is therefore	278,687 30
For which purchases, the said agent has paid in specie, at the rates before mentioned, agreeably to a particular statement of his accounts herewith transmitted, the sum of	150,239 24
Leaving a balance in his hands in specie, for which he is to be debited in a future settlement of his accounts, the sum of	49,760 76
	<u>\$ 200,000 00</u>

The statement on which this report is founded, and the indents and warrants for indents before mentioned, are herewith transmitted for the decision of the Comptroller of the Treasury thereon.

OLIVER WOLCOTT, jun. *Auditor.*

To NICHOLAS EVELEIGH, Esq.

*Comptroller of the Treasury of the U. States.*

Admitted and certified,

NICHOLAS EVELEIGH, *Comptroller.*

TREASURY DEPARTMENT,

*Register's Office, December 21, 1790.*

The foregoing statement of Samuel Meredith, agent to the trustees named in the act passed on the 12th day of August, 1790, for the reduction of the public debt, his account of moneys received, and purchases made, under the said act, to the sixth instant inclusively, is a true copy of the original transmitted to me by the Comptroller of the Treasury, to be entered in the Treasury books, the said original being filed on record in this office.

JOSEPH NOURSE, *Register.*

*Ordered,* That this report lie for consideration.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives have passed the bill sent from the Senate, entitled "An act supplementary to an act, entitled 'An act making further provision for the payment of the debts of the United States.'" And he withdrew.

A motion being made that it be "resolved, as the opinion of the Senate, that any deviation from the principles of the system contained in the act, entitled "An act making provision for the debt of the United States," would be dangerous and inexpedient," it was agreed that the consideration hereof be postponed till Thursday next.

The Senate adjourned to 11 o'clock to-morrow.



WEDNESDAY, DECEMBER 22, 1790.

The Senate assembled: present as yesterday.

*Ordered*, That Mr. Foster be of the joint committee on the part of the Senate, with such as the House of Representatives may appoint on their part, to examine Enrolled Bills.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the appointment of a joint committee, for Enrolled Bills, on their part.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have agreed to the appointment of a joint committee on their part, for Enrolled Bills. And he withdrew.

The Senate adjourned to 11 o'clock to-morrow.

THURSDAY, DECEMBER 23, 1790.

The Senate assembled: present as yesterday.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: I am directed to acquaint the Senate, that the House of Representatives has received a report from the Secretary of State, respecting coins, weights, and measures; and also a report from the Secretary of the Treasury, containing a plan for a national bank; and to bring the said reports to the Senate. And he withdrew.

*Ordered*, That these communications from the House of Representatives lie for consideration.

Agreeably to the order of the day, the Senate proceeded to consider the motion made on the 21st instant, that it be

*Resolved*, As the opinion of the Senate, that any deviation from the principles of the system contained in the act, entitled "An act making provision for the debt of the United States," would be dangerous and inexpedient.

On motion to postpone this resolution, and substitute the following:

*Resolved*, That it would be inexpedient to alter the system for funding the public debt established during the last session of Congress, and that the petition of Thomas M'Kean and others, stiling themselves a committee of the public creditors of the Commonwealth of Pennsylvania, cannot be granted:—

It passed in the affirmative.

And, on the main question, the yeas and nays being required by one fifth of the Senators present, were

YEAS.—Messrs. Bassett, Butler, Dalton, Dickinson, Ellsworth, Elmer, Few, Foster, Hawkins, Johnson, Johnston, Izard, King, Langdon, Maclay, Read, Schuyler, Stanton, Strong, Wingate.—20.

NAY.—Mr. Morris.—1.

So it was

*Resolved*, That it would be inexpedient to alter the system for funding the public debt established during the last session of Congress, and that the petition of Thomas M'Kean and others, stiling themselves a committee of the public creditors of the Commonwealth of Pennsylvania, cannot be granted.

On motion,

*Ordered*, That Messrs. Strong, Morris, Schuyler, Butler, and Ellsworth, be a committee to take into consideration the report of the Secretary of the Treasury upon the plan of a national bank, and to prepare a bill upon that subject.

The Senate adjourned to 11 o'clock to-morrow.

FRIDAY, DECEMBER 24, 1790.

The Senate assembled: present as yesterday.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they had examined the enrolled bill, entitled "An act supplementary to an act, entitled 'An act making further provision for the payment of the debts of the United States,'" and found it correct.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The Speaker having signed an enrolled bill, I am directed to bring it to the Senate;

I am also directed to bring to the Senate, a message from the President of the United States, addressed to both Houses of Congress, with sundry papers referred to therein. And he withdrew.

The message from the President of the United States was read, as follows:



*Gentlemen of the Senate,*

*and House of Representatives:*

It appearing, by the report of the Secretary of the Government northwest of the Ohio, that there are certain cases respecting grants of land within that territory which require the interference of the legislature of the United States, I have directed a copy of said report, and the papers therein referred to, to be laid before you; together with a copy of the report of the Secretary of State upon the same subject.

GEORGE WASHINGTON.

*United States, December the 23d, 1790.*

The papers referred to in the above recited message were read; and,  
*Ordered,* That the message, and papers accompanying it, lie for consideration.

The Vice President signed the enrolled bill, entitled "An act supplementary to an act, entitled 'An act making further provision for the payment of the debts of the United States,'" and it was delivered to the committee of enrollment to be laid before the President of the United States.

The Senate adjourned to 11 o'clock on Monday next.

MONDAY, DECEMBER 27, 1790.

The Senate assembled: present as on the 24th.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they did, on the 24th instant, lay before the President of the United States the enrolled bill, entitled "An act supplementary to an act, entitled 'An act making further provision for the payment of the debts of the United States.'"

A message from the President of the United States, by Mr. Lear, his Secretary:

*Mr. President:* I am directed to communicate to the Senate, that the President of the United States has this day approved and signed an act, entitled "An act supplementary to the act, entitled 'An act making further provision for the payment of the debts of the United States.'" And he withdrew.

*Ordered,* That the Secretary communicate the message of the President of the United States to the House of Representatives.

The Senate adjourned to 11 o'clock to-morrow.

TUESDAY, DECEMBER 28, 1790.

The Senate assembled: present as yesterday.

*Ordered,* That Messrs. Izard, Monroe, Morris, Langdon, and Schuyler, be a committee to take into consideration the report of the Secretary of State, on the uniformity of weights, coins, and measures, and report what is proper to be done thereon.

Mr. Hawkins, from the committee appointed to take into consideration the bill, entitled "An act to continue an act, entitled 'An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations,'" reported an amendment; which report was agreed to.

*Ordered,* That this bill be recommitted for further amendments, and that Messrs. Morris and Schuyler be added to the committee.

The Senate adjourned to 11 o'clock to-morrow.

WEDNESDAY, DECEMBER 29, 1790.

The Senate assembled: present as yesterday.

The memorial of the College of Physicians of the city of Philadelphia, praying that "such heavy duties may be imposed upon all distilled spirits as shall be effectual to restrain their intemperate use in our country;" was presented by Mr. Morris, and read.

*Ordered,* That this memorial lie on the table.

The Senate adjourned to 11 o'clock to-morrow.

THURSDAY, DECEMBER 30, 1790.

The Senate assembled: present as yesterday.

A written message from the President of the United States was communicated by Mr. Lear, his Secretary. And he withdrew.



*Gentlemen of the Senate,  
and House of Representatives:*

I lay before you a report of the Secretary of State, on the subject of the citizens of the United States in captivity at Algiers, that you may provide on their behalf what to you shall seem most expedient.

G. WASHINGTON.

*United States, December 30, 1790.*

The message and papers communicated were read; and,

*Ordered,* That they be referred to the committee, appointed on the 15th instant, to consider that part of the President's speech which relates to the commerce of the Mediterranean.

The Senate adjourned to 11 o'clock to-morrow.

### FRIDAY, DECEMBER 31, 1790.

The Senate assembled: present as yesterday.

*Ordered,* That Messrs. Strong, Ellsworth, and Maclay, be a committee to take into consideration the message from the President of the United States, of the 23d instant, respecting cases of grants of lands in the western territory northwest of the river Ohio, with the papers therein referred to, and report what is proper to be done thereon.

The petition of Col. Henry Laurens was, by Mr. Butler, presented and read, praying compensation for ten thousand bushels of rough rice, supplied the late continental army, as set forth in his petition.

Also, the petition of Col. Henry Laurens, praying that interest may be allowed on the compensation granted to his son, the late Col. Henry Laurens, deceased, whilst acting as special Minister at the court of France.

*Ordered,* That these petitions lie on the table until Monday next.

The Senate adjourned to Monday next, at 11 o'clock.

### MONDAY, JANUARY 3, 1791.

The Senate assembled: present as on the 31st of December.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives have passed a bill, entitled "An act to provide for the unlading of ships and vessels in cases of obstruction by ice;" in which they desire the concurrence of the Senate;

I am also directed to bring to the Senate the report and confidential communication, from the Secretary of State, respecting the trade of the United States in the Mediterranean. And he withdrew.

The above mentioned bill was read the first time.

*Ordered,* That this bill pass to the second reading.

The report of the Secretary of State, respecting the trade of the Mediterranean, was read; and,

*Ordered,* That it lie for consideration.

The petition of Col. Henry Laurens, that compensation may be allowed him for a quantity of rice supplied the troops of the United States; also, his petition that interest may be allowed on the compensation granted to his son, the late Col. Henry Laurens, deceased, were severally taken into consideration; and,

*Ordered,* That they lie on the table.

A written message from the President of the United States was communicated by Mr. Lear, his Secretary. And he withdrew.

*Gentlemen of the Senate,  
and House of Representatives:*

I lay before you a copy of an exemplified copy of an act passed by the Legislature of the state of New Jersey, for vesting in the United States of America the jurisdiction of a lot of land at Sandy Hook, in the county of Monmouth; and a copy of a letter, which accompanied said act, from the Governor of the state of New Jersey to the President of the United States.

G. WASHINGTON.

*United States, January 3, 1791.*



*New Brunswick, 30th December, 1790.*

SIR: I have the honor to transmit an exemplified copy of a statute passed by the Legislature of this state at their last session.

I am, sir, &c.

WILLIAM PATERSON.

*The PRESIDENT of the United States.*

NEW JERSEY.

William Paterson, Esq. Governor, Captain General, and Commander in Chief, in and over the state of New Jersey, and territories thereunto belonging, Chancellor and Ordinary in the same,

To all to whom these presents shall come:

Know ye, That, among the statutes enrolled in the Secretary's office at Burlington, it is thus contained:

STATE OF NEW JERSEY.

An act for vesting in the United States of America the jurisdiction of a lot of land at Sandy Hook, in the county of Monmouth.

Be it enacted by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the jurisdiction of this state in and over a lot of land situate at the point of Sandy Hook, in the county of Monmouth, containing four acres, on which a light house and other buildings are erected, shall be, and the same is hereby, ceded to, and vested in, the United States of America forever hereafter.

*House of Assembly, November 15th, 1790.*

This bill having been three times read in this House,

*Resolved*, That the same do pass.

By order of the House,

JONATHAN DAYTON, *Speaker.*

*Council Chamber, November 16th, 1790.*

This bill having been three times read in Council,

*Resolved*, That the same do pass.

By order of the House,

WILLIAM PATERSON, *President.*

All which by the tenor of these presents I have caused to be exemplified: In testimony whereof I have hereunto subscribed my name, and caused the great seal of the state to be affixed, at New Brunswick, the thirtieth day of December, in the year of our Lord one thousand seven hundred and ninety.

WILLIAM PATERSON.

*Ordered*, That the above recited message, and papers communicated therewith, lie for consideration.

Mr. Strong, from the committee appointed to consider the report of the Secretary of the Treasury, upon the plan of a national bank, reported a bill, which was read the first time.

*Ordered*, That this bill pass to the second reading, and that one hundred and fifty copies thereof be printed.

Mr. Schuyler, from the committee appointed on that part of the speech of the President of the United States, which referred to the district of Kentucky, reported,

That, it appears to the committee that the General Assembly of the commonwealth of Virginia, did, (upon the application of the inhabitants residing in the district of Kentucky, part of the commonwealth of Virginia, to be separated therefrom, to the intent that the said district might become an independent state, and a member of the Union of the United States of America,) by act of the Legislature, passed on the eighteenth day of December, 1789, entitled "An act concerning the erection of the district of Kentucky into an independent state," assent to the independence of the said district, on certain conditions stipulated and contained in the said act, a printed copy whereof is herewith submitted:

That, it appears from the papers referred to the consideration of the committee, that a convention of deputies from the several counties in the said district was held, in conformity to the said act, which, in the name, and in behalf of the people whom they represented, declared it as the will of the said people to be erected into an independent state, on the terms and conditions specified in the said act of the commonwealth of Virginia:



That, by the memorial of the said convention, to Congress, bearing date the 28th of July, 1790, praying to be received into the Federal Union, by the name of the state of Kentucky, it is declared that the people of the said district "are as warmly devoted to the American Union, and as firmly attached to the present happy establishment of the federal government, as any of the citizens of the United States:"

That, from such information as the committee have been able to procure, the inhabitants resident in the said district are sufficiently numerous for all the purposes of an independent state;

That, from these facts the committee have concluded that it would be proper for Congress to consent that the said district should become an independent state, and admitted as a member of the United States of America, and that a bill should be prepared for that purpose.

And this report was accepted; whereupon,

*Ordered*, That the committee which made the report be instructed to prepare a bill accordingly.

The Senate adjourned to 11 o'clock to-morrow.

### TUESDAY, JANUARY 4, 1791.

The Senate assembled: present as yesterday.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act for the relief of Shubael Swain," in which they desire the concurrence of the Senate. And he withdrew.

The petition of Shubael Swain was read, praying for the remission of a fine incurred for the breach of the revenue laws, for reasons mentioned in the petition.

*Ordered*, That the bill, entitled "An act for the relief of Shubael Swain," be now read the first time.

*Ordered*, That this bill pass to the second reading.

Agreeably to the order of the day, the bill, entitled "An act to provide for the unlading of ships or vessels in cases of obstruction by ice," was read the second time.

*Ordered*, That this bill pass to the third reading.

The committee to whom was referred that part of the speech of the President of the United States which relates to the district of Kentucky, agreeably to order, reported a bill; which was read the first time, and

*Ordered*, That this bill pass to the second reading.

The following letter was communicated from the Treasurer of the United States:

TREASURY OF THE UNITED STATES,

January 3, 1791.

SIR: My accounts having lain a considerable time in the offices for settlement, and being now passed, permit me through you to lay them before the honorable the Senate, and to assure you that

I am, &c.

SAMUEL MEREDITH,

*Treasurer of the United States.*

*The VICE PRESIDENT of the United States.*

*Ordered*, That this letter, and the accounts therein referred to, lie on the table.

The Senate adjourned to 11 o'clock to-morrow.

### WEDNESDAY, JANUARY 5, 1791.

The Senate assembled: present as yesterday.

The Senate proceeded to the third reading of the bill, entitled "An act to provide for the unlading of ships or vessels, in cases of obstruction by ice," and

*Resolved*, That this bill do pass.

*Ordered*, That the Secretary communicate to the House of Representatives the concurrence of the Senate in this bill.

Agreeably to the order of the day, the Senate proceeded to the second reading of the bill, providing that the district of Kentucky should become an independent state, and be admitted as a member of the United States of America; and

*Ordered*, That the further consideration hereof be postponed, and that in the mean time the bill be printed for the consideration of Congress.

The Senate proceeded to the second reading of the bill, entitled "An act for the relief of Shubael Swain," and



*Ordered*, That it be committed to Messrs. Morris, Langdon, and Hawkins.

Mr. Hawkins, from the committee appointed to take into consideration the bill, entitled "An act to continue an act, entitled 'An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations,'" reported amendments.

On motion to postpone the consideration of the amendments, to take up the following resolution reported by the committee, to wit:

That it be resolved that the President of the United States be requested to direct an inquiry as to the extent of the obstructions in the river Savannah, and in that leading to the town of Providence in the state of Rhode Island and Providence Plantations; the progress that has been made in their removal, together with a state of facts relative to the objects for which the said acts were passed by the respective states previous to the adoption of the present constitution of the United States, and by which a duty of tonnage is laid on ships and vessels navigating the said rivers:—

It passed in the negative.

The Senate proceeded in the second reading of the bill, and agreed thereto, with the following amendments reported by the committee, to limit the operation thereof to the states of Georgia, and Rhode Island, by inserting these words, line 5th, after the word "force:"

"So far as the same respects the states of Georgia, and Rhode Island and Providence Plantations."

To limit the duration of the act to one year, by striking out, in the same line, "five," and inserting "one;" and to make the word "years," in the same line, singular.

To insert in the title of the bill, after the word "Plantations,"

"So far as the same respects the states of Georgia and Rhode Island and Providence Plantations."

*Ordered*, That this bill, as amended, pass to the third reading.

The Senate adjourned to 11 o'clock to-morrow.

#### THURSDAY, JANUARY 6, 1791.

The Senate assembled: present as yesterday.

Mr. Strong, from the committee appointed to take into consideration the message from the President of the United States, of the 23d December last, respecting cases of grants of lands in the western territory northwest of the Ohio, reported that a bill be brought in for the purposes mentioned in the report; whereupon,

*Ordered*, That the same committee be instructed to prepare and report a bill accordingly.

Agreeably to the order of the day, the Senate proceeded to the third reading of the bill, entitled "An act to continue an act, entitled 'An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations,'" and,

*Resolved*, That this bill do pass, with the amendments.

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the amendments.

The bill "to incorporate the subscribers to the bank of ———" was read the second time, and the consideration thereof was postponed to Monday next.

Mr. Morris, from the committee appointed to take into consideration the bill, entitled "An act for the relief of Shubael Swain," reported; whereupon,

The Senate proceeded to the third reading of the bill; and,

*Resolved*, That this bill do not pass.

Mr. Foster, from the Joint Committee on Enrolled Bills, reported, that they had examined the enrolled bill, entitled "An act to provide for the unlading of ships or vessels, in cases of obstruction by ice," and had found it correct.

Mr. Langdon, from the committee to whom was referred that part of the President's speech which relates to the trade of the Mediterranean, together with the President's message of the 30th of December, and the papers accompanying the same; made report.

*Ordered*, That the consideration of the report be postponed until to-morrow.

The Senate adjourned to 11 o'clock to-morrow.

#### FRIDAY, JANUARY 7, 1791.

The Senate assembled: present as yesterday.

Agreeably to the order of the day, proceeded to the consideration of the report of the committee to whom was referred that part of the speech of the President of the



United States which relates to the trade of the Mediterranean; together with the President's message of the 30th of December, and the papers accompanying the same; and,

*Ordered*, That the report lie on the table.

Mr. Strong, from the committee to whom was referred the message of the President of the United States, of the 23d of December ult. reported "a bill for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions;" which bill was read the first time.

*Ordered*, That this bill pass to the second reading.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have concurred in the amendments of the Senate to the bill, entitled "An act to continue an act, entitled 'An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations.'"

The Speaker having signed an enrolled bill, I am directed to bring it to the Senate. And he withdrew.

The Vice President signed the enrolled bill, entitled "An act to provide for the unlading of ships or vessels, in cases of obstruction by ice," and it was delivered to the committee on enrolled bills to be laid before the President of the United States.

Mr. Ellsworth, from the committee appointed to take into consideration that part of the speech of the President of the United States which relates to the appointment of consuls in foreign countries, reported a bill; which was read the first time.

*Ordered*, That this bill pass to the second reading, and that in the mean time it be printed for the consideration of Congress.

The Senate proceeded in the second reading of the bill, providing "that the district of Kentucky should become an independent state, and be admitted as a member of the United States of America;" and, after progress, the further consideration of the bill was postponed until Tuesday next.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they had on this day laid before the President of the United States, the enrolled bill, entitled "An act to provide for the unlading of ships or vessels, in cases of obstruction by ice."

The Senate adjourned to 11 o'clock on Monday next.

### MONDAY, JANUARY 10, 1791.

The Senate assembled: present as on the 7th; and the honorable John Henry, from the state of Maryland, attended.

The Senate proceeded in the second reading of the bill "to incorporate the subscribers to the bank of ———;" and, after progress, the further consideration thereof was postponed.

Agreeably to the order of the day, the Senate proceeded to the second reading of the "bill for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions;" and

*Ordered*, That this bill pass to the third reading.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they had examined the enrolled bill, entitled "An act to continue an act, entitled 'An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the states of Georgia and Rhode Island;" and found it correct.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate.

The President of the United States has notified the House of Representatives that he did, on the 7th instant, approve, and affix his signature to, "An act to provide for unlading of ships or vessels, in cases of obstruction by ice." And he withdrew.

Whereupon, the Vice President signed the enrolled bill, entitled "An act to continue an act, entitled, 'An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the states of Georgia and Rhode Island;" and it was delivered to the Committee on Enrolled Bills, to be laid before the President of the United States.

The Senate adjourned to 11 o'clock to-morrow.



TUESDAY, JANUARY 11, 1791.

The Senate assembled: present as yesterday.

Agreeably to the order of the day, the Senate proceeded to the third reading of the bill "for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions;" and,

*Resolved*, That this bill do pass; that the title thereof be, "An act for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and confirming them in their possessions;" and that this bill be engrossed, and sent to the House of Representatives for their concurrence.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they did, yesterday, lay before the President of the United States the enrolled bill, entitled "An act to continue an act, entitled 'An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the states of Georgia and Rhode Island.'"

A message from the House of Representatives, by Mr. Beckley, their Clerk :

*Mr. President*: The President of the United States has notified the House of Representatives that he did, on the 10th, approve and affix his signature to the act, entitled "An act to continue an act, entitled 'An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the states of Georgia and Rhode Island.'" And he withdrew.

The Senate proceeded in the second reading of the "bill to incorporate the subscribers to the bank of ———;" and, after progress,

The Senate adjourned until 11 o'clock to-morrow.

WEDNESDAY, JANUARY 12, 1791.

The Senate assembled: present as yesterday.

Agreeably to the order of the day, the Senate proceeded in the second reading of "the bill to incorporate the subscribers to the bank of ———;" and, on motion, it was agreed to postpone the further consideration thereof until to-morrow.

The Senate proceeded to the third reading of the bill "providing that the District of Kentucky should become an independent state, and be admitted as a member of the United States of America;" and,

*Resolved*, That this bill do pass; that the title thereof be, "An act declaring the consent of Congress that a new state be formed within the jurisdiction of the commonwealth of Virginia, and admitted into the Union, by the name of the state of Kentucky;" that the bill be engrossed, and that the Secretary carry it to the House of Representatives, and desire their concurrence.

The Senate proceeded in the second reading of the "bill concerning consuls and vice consuls;" and, after progress,

*Ordered*, That it be recommitted to Messrs. Ellsworth, Morris, Schuyler, Hawkins, and King.

The Senate adjourned to 11 o'clock to-morrow.

THURSDAY, JANUARY 13, 1791.

The Senate assembled: present as yesterday.

Several resolutions, and a memorial of the Legislature of the Commonwealth of Virginia, calling the attention of Congress to "An act making provision for the debt of the United States," were, by Mr. Monroe, communicated to the Senate; which, being read,

*Ordered*, That they lie on the table.

The Senate proceeded in the second reading of "the bill to incorporate the subscribers to the bank of ———;" and agreed to fill the blank in the title with these words: "The United States of America."

On motion to limit the term of incorporation to seven years;

A motion was made to extend the term of incorporation to March the 4th, 1815; and on this the yeas and nays being required by one-fifth of the Senators present, were:

YEAS.—Messrs. Bassett, Dickinson, Ellsworth, Elmer, Johnson, King, Langdon, Morris, Read, Schuyler, and Strong.—11.



NAYS.—Messrs. Butler, Few, Foster, Hawkins, Henry, Johnston, Izard, Maclay, Monroe, and Wingate.—10.

So it passed in the affirmative.

A motion was made to subjoin to the last clause agreed to, as follows: "Provided, nevertheless, that nothing herein contained shall be construed to exclude the right of amending the same, on giving twelve months' notice, from and after the first of January, 1800;" and, after debate, the further consideration hereof was postponed.

The Senate adjourned to 11 o'clock to-morrow.

### FRIDAY, JANUARY 14, 1791.

The Senate assembled: present as yesterday.

Proceeded in the second reading of the bill, "to incorporate the subscribers to the bank of ———," and the question being taken on the motion made yesterday and postponed, to wit: "Provided, nevertheless, that nothing herein contained shall be construed to exclude the right of amending the same, on giving twelve months' notice, from and after the first of January, 1800:"

It passed in the negative.

On motion, it was agreed to re-consider the term of incorporation agreed to yesterday, and limit it to the 4th day of March, 1811; and, having made further progress in the bill,

The Senate adjourned to Monday next, 11 o'clock.

### MONDAY, JANUARY 17, 1791.

The Senate assembled: present as on the 14th; and the honorable James Gunn, from the state of Georgia, attended.

The Senate proceeded in the second reading of the "bill to incorporate the subscribers to the bank of ———," and, after progress, the further consideration hereof was postponed.

A written message from the President of the United States was communicated by Mr. Lear, his Secretary. And he withdrew.

*Gentlemen of the Senate  
and House of Representatives:*

I lay before you an official statement of the appropriation of ten thousand dollars, granted to defray the contingent expenses of government, by an act of the 26th March, 1790.

A copy of two resolutions of the Legislature of Virginia, and a petition of sundry officers, and assignees of officers and soldiers of the Virginia line on continental establishment, on the subject of bounty lands allotted to them on the northwest side of the Ohio; and

A copy of an act of the Legislature of Maryland, to empower the wardens of the port of Baltimore to levy and collect the duty therein mentioned.

GEO. WASHINGTON.

*United States, January 17th, 1791.*

*Ordered,* That the message lie for consideration.

The Senate adjourned to 11 o'clock to-morrow.

### TUESDAY, JANUARY 18, 1791.

The Senate assembled: present as yesterday.

A letter was read from the Secretary of State, enclosing "a postscript to the report on measures, weights, and coins, now before Senate;" and,

*Ordered,* That the letter and enclosure lie for consideration.

The papers referred to in the message of the President of the United States, of the 17th instant, were read; and,

*Ordered,* To lie for consideration.

The Senate proceeded in the second reading of the "bill to incorporate the subscribers to the bank of ———," and ordered that it be re-committed for further amendments.

Mr. Strong, from the committee to whom was referred the last mentioned bill, reported sundry amendments; which, being agreed to,



The Senate proceeded in the second reading of the bill, and, having amended the same, the further consideration hereof was postponed.

The Senate adjourned to 11 o'clock to-morrow.

### WEDNESDAY, JANUARY 19, 1791.

The Senate assembled: present as yesterday.

A resolution of the directors of the library of Philadelphia was communicated to the Senate, and read, providing "that the President, and members of the Senate and House of Representatives of the United States, shall have free use of the books in the library, in as full and ample manner as if they were members of the company."

The memorial of the surgeons and surgeons' mates in the medical department, during a very considerable part of the late war, praying allowance for depreciation, was, by Mr. Morris, communicated to the Senate; which, being read, was

*Ordered*, To lie on the table.

The Senate proceeded in the second reading of the "bill to incorporate the subscribers to the bank of ———,"

On motion to expunge the 12th section, to wit: "And be it further enacted, That no other bank shall be established, by any future law of the United States, during the continuance of the corporation hereby created; for which the faith of the United States is hereby pledged:"

It passed in the negative.

*Ordered* That this bill pass to the third reading.

The Senate adjourned to 11 o'clock to-morrow.

### THURSDAY, JANUARY 20, 1791.

The Senate assembled: present as yesterday;

And proceeded to the third reading of the "bill to incorporate the subscribers to the bank of ———," and,

"On motion to reconsider the term of incorporation, and limit it to the year 1801, instead of 1811;" the yeas and nays were required by one-fifth of the Senators present:

YEAS.—Messrs. Butler, Few, Gunn, Hawkins, Izard, and Monroe.—6.

NAYS.—Messrs. Bassett, Dalton, Dickinson, Ellsworth, Elmer, Foster, Johnson, King, Langdon, Maclay, Morris, Read, Schuyler, Stanton, Strong, and Wingate.—16.

So it passed in the negative.

On motion to expunge the 12th section, to wit: "And be it further enacted, That no other bank shall be established, by any future law of the United States, during the continuance of the corporation hereby created; for which the faith of the United States is hereby pledged;" the yeas and nays were required by one-fifth of the Senators present:

YEAS.—Messrs. Butler, Few, Hawkins, Izard, Monroe.—5.

NAYS.—Messrs. Bassett, Dalton, Dickinson, Ellsworth, Elmer, Foster, Gunn, Johnson, Johnston, King, Langdon, Maclay, Morris, Read, Schuyler, Stanton, Strong, and Wingate.—18.

And it passed in the negative.

*Resolved*, That this bill do pass; that the title of it be "An act to incorporate the subscribers to the bank of the United States;" that it be engrossed, and that the Secretary carry it to the House of Representatives for concurrence.

A motion was made, "That the Secretary furnish any member of the Senate with such extracts from the Executive Journal as he may direct."

*Ordered*, That the consideration of this motion be postponed until to-morrow.

The Senate adjourned to 11 o'clock to-morrow.

### FRIDAY, JANUARY 21, 1791.

The Senate assembled: present as yesterday;

And the honorable Charles Carroll, from the state of Maryland, attended.

A letter from the Secretary of State was communicated, with sundry enclosures, relative to the American prisoners in Algiers; which, being read,

*Ordered*, That they be referred to the committee who had under consideration that part of the message from the President of the United States, which refers to the trade of the Mediterranean; and that their report of the sixth of January be recommitted.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives have "Ordered, That a committee be appointed, to join a committee of the Senate, to consider and report what time will be proper for the commencement of the next Congress; to the end that timely notice may be given to the members who are to serve for the ensuing two years." And he withdrew.

The order of the House of Representatives was read, and agreed to, and

*Ordered,* That Messrs. Strong, Izard, and Ellsworth, be of the joint committee on the part of the Senate; and that the Secretary communicate this appointment to the House of Representatives.

The memorial of the merchants of Philadelphia, trading to India and China, praying "such encouragement and protection as in their wisdom Congress shall deem expedient," was, by Mr. Morris, presented and read; and

*Ordered,* That it lie for consideration.

The Senate resumed the consideration of the motion made yesterday, to wit: "That the Secretary furnish any member of Senate with such extracts from the Executive Journal as he may direct;" and it was agreed to amend the motion to read as follows:

"*Resolved,* That the Secretary do furnish the members of Senate, when required, with extracts of such parts of the Executive Journal as are not, by vote of the Senate, considered secret;" and it was agreed that the motion be committed to Messrs. Ellsworth, Gunn, and King.

*Ordered,* That the Secretary do furnish Mr. Gunn with an attested copy of sundry extracts from the records of Senate, when acting in their executive capacity.

The Senate adjourned to Monday next, at 11 o'clock.

#### MONDAY, JANUARY 24, 1790.

The Senate assembled: present as on the 21st.

A written message from the President of the United States was communicated by Mr. Lear, his Secretary. And he withdrew.

*Gentlemen of the Senate and  
House of Representatives:*

I lay before you a statement relative to the frontiers of the United States, which has been submitted to me by the Secretary for the Department of War.

I rely upon your wisdom to make such arrangements as may be essential for the preservation of good order, and the effectual protection of the frontiers.

G. WASHINGTON.

*United States, January 24, 1791.*

*Ordered,* That the Secretary communicate the message, and papers accompanying it, to the House of Representatives.

Another written message from the President of the United States was communicated by his Secretary; which is as follows:

*Gentlemen of the Senate,  
and House of Representatives:*

In execution of the powers with which Congress were pleased to invest me, by their act, entitled "An act for establishing the temporary and permanent seat of government of the United States;" and, on mature consideration of the advantages and disadvantages of the several positions within the limits prescribed by the said act, I have, by a proclamation bearing date this day, (a copy of which is herewith transmitted,) directed commissioners, appointed in pursuance of the act, to survey and limit a part of the territory of ten miles square, on both sides of the river Potomac, so as to comprehend Georgetown, in Maryland, and extend to the Eastern Branch.

I have not, by this first act, given to the said territory the whole extent of which it is susceptible in the direction of the river; because I thought it important that Congress should have an opportunity of considering whether by an amendatory law they would authorize the location of the residue, at the lower end of the present, so as to comprehend the Eastern Branch itself, and some of the country on its lower side, in the state of Maryland, and the town of Alexandria, in Virginia: If, however, they are of opinion, that the federal territory should be bounded by the water edge of the Eastern Branch, the location of the residue will be to be made at the upper end of what is now directed.



I have thought best to await a survey of the territory, before it is decided on what particular spot, on the northeastern side of the river, the public buildings shall be erected.

G. WASHINGTON.

*United States, January 24, 1791.*

*Ordered,* That this message lie for consideration.  
The Senate adjourned to 11 o'clock to-morrow.

**TUESDAY, JANUARY 25, 1791.**

The Senate assembled: present as yesterday.

Mr. Strong reported, from the joint committee appointed on the 21st instant, "to consider and report what time will be proper for the commencement of the next Congress."

*Ordered,* That the report lie for consideration.  
The Senate adjourned to 11 o'clock to-morrow.

**WEDNESDAY, JANUARY 26, 1791.**

The Senate assembled: present as yesterday.

The petition of Albert Roux, late a captain in the second continental regiment of South Carolina, praying compensation for services, was read; and

*Ordered,* That it be referred to the Secretary of War, to report thereon to the Senate.

A written message from the President of the United States was communicated by Mr. Lear, his Secretary. And he withdrew.

*Gentlemen of the Senate,  
and House of Representatives:*

I lay before you the copy of a letter from the President of the National Assembly of France to the President of the United States; and of a decree of that assembly, which was transmitted with the above mentioned letter.

G. WASHINGTON.

*United States, January 26, 1791.*

The message and papers were read.

Mr. Ellsworth, from the committee to whom was referred the bill "concerning consuls and vice consuls," reported amendments; which report was agreed to: whereupon,

The Senate proceeded in the second reading of the bill; which was amended conformably to the report; and,

*Ordered,* That this bill pass to the third reading.

The Senate adjourned to 11 o'clock to-morrow.

**THURSDAY, JANUARY 27, 1791.**

The Senate assembled: present as yesterday.

Agreeably to the order of the day, the Senate proceeded to the third reading of the bill "concerning consuls and vice consuls;" and,

*Resolved,* That this bill do pass; that the title thereof be, "An act concerning consuls and vice consuls;" that it be engrossed, and that the Secretary carry it to the House of Representatives, and desire concurrence therein.

A written message from the President of the United States was communicated by Mr. Lear, his Secretary. And he withdrew.

*Gentlemen of the Senate,  
and House of Representatives.*

In order that you may be fully informed of the situation of the frontiers, and the prospects of hostility in that quarter, I lay before you the intelligence of some recent depredations, received since my message to you upon this subject of the 24th instant.

G. WASHINGTON.

*United States, January 27, 1791.*

The message and papers therein referred to were read; and,

*Ordered,* That the Secretary communicate them to the House of Representatives.

The Senate adjourned to 11 o'clock to-morrow.

FRIDAY, JANUARY 28, 1791.

The Senate assembled: present as yesterday.

The petition of a number of the inhabitants of the county of Lancaster was read, praying that the bill laying an excise on spirituous liquors, pending before Congress, may not pass, for reasons therein expressed.

*Ordered*, That the petition lie on the table.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same;" in which they desire the concurrence of the Senate. And he withdrew.

*Ordered*, That this bill have the first reading at this time.

*Ordered*, That this bill pass to the second reading; and that, in the mean time, it be printed for the use of the Senate.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed the bill, entitled "An act declaring the consent of Congress that a new state be formed within the jurisdiction of the commonwealth of Virginia, and admitted into this Union, by the name of the state of Kentucky. And he withdrew.

The Senate adjourned to Monday next, at 11 o'clock.

MONDAY, JANUARY 31, 1791.

The Senate assembled: present as on the 28th.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they had examined the enrolled bill, entitled "An act declaring the consent of Congress that a new state be formed within the jurisdiction of the commonwealth of Virginia, and admitted into this Union, by the name of the state of Kentucky," and found it correct.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act declaring the consent of Congress to a certain act of the state of Maryland;" in which they desire the concurrence of the Senate.

The House of Representatives have agreed to the report of the committee appointed on their part to confer with the committee on the part of the Senate, respecting the time for the commencement of the next session of Congress.

The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate. And he withdrew.

The Vice President signed the enrolled bill, entitled "An act declaring the consent of Congress that a new state be formed within the jurisdiction of the commonwealth of Virginia, and admitted into this Union, by the name of the state of Kentucky;" and it was delivered to the Committee on Enrolled Bills, to be laid before the President of the United States for his approbation.

The resolution of the House of Representatives, agreeing to the report of the committee appointed to confer with the committee of the Senate, on the time for the commencement of the next session of Congress, was read, and the consideration thereof was postponed.

The bill, entitled "An act declaring the consent of Congress to a certain act of the state of Maryland," was read the first time; and,

*Ordered*, That this bill pass to the second reading.

The Senate proceeded to the second reading of the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same."

*Ordered*, That the further consideration hereof be postponed until Wednesday next.

On motion,

*Ordered*, That Messrs. Monroe, Schuyler, and Read, be a committee to take into consideration the extract of a letter from Governor Randolph, of Virginia, communicated by message from the President of the United States; together with the resolutions of the commonwealth of Virginia, relative to the bounty lands to the officers and soldiers of the Virginia line on continental establishment; and to report what is proper to be done thereon.

Mr. Langdon, from the committee to whom was referred that part of the message of the President of the United States, which relates to the commerce of the Mediter-



ranee, together with the message of the President of the United States, of 30th December, made report.

*Ordered*, That this report lie for consideration.

The Senate adjourned to 11 o'clock to-morrow.

### TUESDAY, FEBRUARY 1, 1791.

The Senate assembled: present as yesterday.

The bill, entitled "An act declaring the consent of Congress to a certain act of the state of Maryland," was read the second time; and,

*Ordered*, That this bill pass to the third reading.

The Senate took into consideration the executive business before them, and, after progress therein,

The Senate adjourned to 11 o'clock to-morrow.

### WEDNESDAY, FEBRUARY 2, 1791.

The Senate assembled: present as yesterday.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed the bill, entitled "An act making appropriations for the support of government during the year one thousand seven hundred and ninety one, and for other purposes." And he withdrew.

The bill from the House of Representatives was read the first time.

*Ordered*, That this bill pass to the second reading.

The Senate proceeded to the third reading of the bill, entitled "An act declaring the consent of Congress to a certain act of the state of Maryland;" and,

*Resolved*, That this bill do pass, and that the Secretary acquaint the House of Representatives with the concurrence of the Senate therein.

The Senate proceeded in the second reading of the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same;" and, after debate,

*Ordered*, That this bill be committed to Messrs. Morris, Ellsworth, Langdon, Schuyler, and Strong.

The Senate adjourned to 11 o'clock to-morrow.

### THURSDAY, FEBRUARY 3, 1791.

The Senate assembled: present as yesterday

The petition of John Jones, for compensation for certain stores destroyed during the late war, was read; and,

*Ordered*, That it lie on the table.

The Senate proceeded in the second reading of the bill, entitled "An act making appropriations for the support of government during the year one thousand seven hundred and ninety one, and for other purposes."

*Ordered*, That it be committed to Messrs. Dalton, Carroll, and Bassett.

The petition of James Mathers, for allowance for services during the recess, was read; and,

*Ordered*, That the petition be referred to the committee above mentioned.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they did yesterday lay before the President of the United States the bill, entitled "An act declaring the consent of Congress that a new state be formed within the jurisdiction of the commonwealth of Virginia, and admitted into this Union, by the name of the state of Kentucky."

The Senate adjourned to 11 o'clock to-morrow.

### FRIDAY, FEBRUARY 4, 1791.

The Senate assembled: present as yesterday.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: I am directed to bring to the Senate a report of the Secretary of State, made to the House of Representatives. And he withdrew.

The report and papers therein referred to were read; and,

*Ordered*, That they lie until to-morrow,

A message from the President of the United States, by Mr. Lear, his Secretary:

*Mr. President*: I am commanded to inform the Senate, that the President of the

United States has this day approved and signed an act, entitled "An act declaring the consent of Congress that a new state be formed within the jurisdiction of the commonwealth of Virginia, and admitted into this Union, by the name of the state of Kentucky." And he withdrew.

The Senate adjourned to 11 o'clock to-morrow.

### SATURDAY, FEBRUARY 5, 1791.

The Senate assembled: present as yesterday.

Mr. Dalton, from the committee appointed to consider and report on the bill sent from the House of Representatives, entitled "An act making appropriations for the support of government during the year one thousand seven hundred and ninety-one, and for other purposes," reported sundry amendments.

*Ordered*, That this report lie until Monday next for consideration.

He also reported, from the same committee, on the petition of James Mathers; and,

*Ordered*, That the report lie for consideration until Monday next.

*Ordered*, That two hundred copies of the report of the Secretary of State, on the subject of the cod and whale fisheries, made to the House of Representatives; and, on the fourth instant, communicated by message to the Senate, be printed for the use of the members of Congress.

The Senate adjourned to Monday next, at 11 o'clock.

### MONDAY, FEBRUARY 7, 1791.

The Senate assembled: present as on the 5th instant,

And proceeded to consider the amendments reported by the committee on the bill, entitled "An act making appropriations for the support of government during the year one thousand seven hundred and ninety-one, and for other purposes," to which amendments the Senate did not agree: whereupon,

*Ordered*, That this bill pass to the third reading.

The report of the same committee, on the petition of James Mathers, was considered: whereupon,

*Ordered*, That the object of this petition be included in the accounts of the Secretary of the Senate, when rendered, of the expense incurred in the removal of his office from New York to Philadelphia.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have ordered that the report of the Secretary of the Treasury, relative to the establishment of a mint, be sent to the Senate for their information. And he withdrew.

*Ordered*, That the report of the Secretary of the Treasury, relative to the establishment of a mint, be referred to Messrs. Morris, Izard, King, Monroe, and Schuyler, to consider and report what is proper to be done thereon.

The memorial of the clerks in the public offices, praying to be reimbursed for losses and expenses sustained by their removal from New York to the seat of government, was read.

*Ordered*, That this memorial lie on the table.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they had examined the enrolled bill, entitled "An act declaring the consent of Congress to a certain act of the state of Maryland," and had found it correct.

Mr. Morris, from the committee appointed to consider and report on the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States and for appropriating the same," reported the bill amended.

The amendments were read; and,

*Ordered*, That they be printed for the use of the Senate.

The Senate adjourned to 11 o'clock to-morrow.

### TUESDAY, FEBRUARY 8, 1791.

The Senate assembled: present as yesterday;

And proceeded to the third reading of the bill, entitled "An act making appropriations for the support of government during the year one thousand seven hundred and ninety-one, and for other purposes."

*Resolved*, That this bill do pass.



*Ordered*, That the Secretary acquaint the House of Representatives of the concurrence of the Senate therein.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate. And he withdrew.

Whereupon the Vice President signed the enrolled bill, entitled "An act declaring the consent of Congress to a certain act of the state of Maryland;" and it was delivered to the Committee on Enrolled Bills, to be laid before the President of the United States for his approbation.

The Senate proceeded to consider the amendments reported by the committee on the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same;" and the amendment to the fourth section was agreed to, so that the section should be read thus:

"SEC. IV. *And be it further enacted*, That the President of the United States be authorized to appoint, with the advice and consent of the Senate, such number of officers as shall appear to him necessary to inspect the revenue arising under this law; and the President of the United States may in each state designate the districts and surveys in which they shall act, assigning to each district a general inspector thereof, and as many other inspectors to each survey therein as he shall think advisable, placing the latter under the superintendence of the former. Provided, always, that it shall and may be lawful for the President, with the advice and consent of the Senate, in his discretion, to appoint such and so many of the officers of the customs to be inspectors under this act, as he shall deem advisable to employ in the execution thereof: And provided, also, that, if the appointment of the officers aforesaid, or any part of them, shall not be made during the present session of Congress, the President shall have power, and he is hereby empowered, to make such appointments during the recess of the Senate, by granting commissions which shall expire at the end of their next session."

A motion was made to expunge the following clause of the amendment agreed to, to wit: "And provided, also, that, if the appointment of the officers aforesaid, or any part of them, shall not be made during the present session of Congress, the President shall have power, and he is hereby empowered, to make such appointments during the recess of the Senate, by granting commissions which shall expire at the end of their next session." On this motion,

The yeas and nays were required by one-fifth of the Senators present:

YEAS.—Messrs. Bassett, Butler, Gunn, Izard, Langdon, Maclay, Monroe, Stanton, and Wingate.—9.

NAYS.—Messrs. Carroll, Dalton, Dickinson, Elmer, Few, Foster, Henry, Johnson, Johnston, King, Morris, Read, Schuyler, and Strong.—14.

So it passed in the negative.

On motion to recommit the amendment reported on the fourth section,

It passed in the negative.

And, having made further progress in the consideration of the report,

The Senate adjourned to 11 o'clock to-morrow.

### WEDNESDAY, FEBRUARY 9, 1791.

The Senate assembled: present as yesterday.

Mr. Foster, from the Committee on Enrolled Bills, reported, that, they did, on the eighth instant, lay before the President of the United States, for his approbation, the bill, entitled "An act declaring the consent of Congress to a certain act of the state of Maryland."

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed the bill sent from the Senate, entitled "An act to incorporate the subscribers to the bank of the United States."

I am directed to acquaint the Senate, that the President of the United States has notified the House of Representatives, that he has this day approved and signed the "Act declaring the consent of Congress to a certain act of the state of Maryland." And he withdrew.

The Senate proceeded to consider the report of the committee on the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon dis-

tilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same;" to which report having agreed, and that the bill be amended conformably,

*Ordered*, That the bill pass to the third reading.

A written message from the President of the United States was communicated by Mr. Lear, his Secretary. And he withdrew.

*Gentlemen of the Senate*

*and House of Representatives:*

I have received, from the Governor of Vermont, authentic documents, expressing the consent of the Legislatures of New York and of the territory of Vermont, that the said territory shall be admitted to be a distinct member of our Union: and a memorial of Nathaniel Chipman and Lewis R. Morris, commissioners from the said territory, praying the consent of Congress to that admission, by the name and style of the State of Vermont; copies of which I now lay before Congress, with whom the constitution has vested the object of these proceedings.

G. WASHINGTON.

*United States, February 9, 1791.*

"The people of the state of New York, by the grace of God, free and independent: To all to whom these presents shall come, greeting: Know ye, that we having inspected the records remaining in our Secretary's office, do find there a certain original act, in the words and figures following, to wit: "An act appointing commissioners, with power to declare the consent of the legislature of this state, that a certain territory within the jurisdiction thereof should be formed or erected into a new state. Be it enacted by the people of the state of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same, that Robert Yates, Robert R. Livingston, John Lansing, junior, Gulian Verplanck, Simeon De Witt, Egbert Benson, Richard Sill, and Melancton Smith, shall be, and hereby are, appointed commissioners, with full power to them, or any four or more of them, in their discretion, as they shall judge the peace and interest of the United States in general, and of this state in particular, to require the same, and on such terms and conditions, and in such manner and form, as they shall judge necessary and proper, to declare the consent of the legislature of this state, that such district or territory within the jurisdiction, and in the northeastern and northern parts thereof, as the said commissioners shall judge most convenient, should be formed and erected into a new state; and with further full power to treat, conclude, and agree, with any person or persons, or any assemblies or bodies of people, touching the premises, or touching the ceding or relinquishing the jurisdiction of this state over such district or territory, or touching the securing or confirming of rights, titles, or possessions, of land within such district or territory, held or claimed under grants from the state of New Hampshire, while a colony, or under grants, sales, or locations, made by the authority of the government or jurisdiction now existing and exercised in the northeastern parts of this state, under the name or style of the State of Vermont, against persons claiming the same lands under grants from this state while a colony, or since the independence thereof: and every act of any four or more of the commissioners hereby appointed, in the execution of the powers aforesaid, shall be as effectual to every purpose, as if the same were an immediate act of the legislature of this state: Provided, such grants, sales, or locations by or under Vermont, do not extend to the westward of the towns granted, located, or occupied, under the late colony of New Hampshire, which lay in that part of the country aforesaid, between the north boundary of the commonwealth of Massachusetts, continued from the northwest corner thereof, towards Hudson's river, and a parallel line extended eastward from the point of land where Fort Edward formerly stood, until it meets with the west bounds of any of the said granted, located, or occupied towns. And be it further enacted by the authority aforesaid, That whatever stipulations shall be made, by the commissioners appointed by this act, with any person or persons, or any assemblies or bodies of people, touching the premises, or touching the ceding or relinquishing the jurisdiction of this state over such district or territory, or touching the securing of rights, titles, or possessions, of lands within such district, for a compensation for extinguishing the claims to lands within such districts, as derived under the late colony of New York, shall be for the use of such claimants, although in such stipulations such compensation should be declared to be for the use of this state, or for the people thereof; and that nothing in this act contained shall be intended or construed to give any such claimant any right to any further compensation whatsoever from this state, other than such compensation which may be so stipulated as aforesaid. And be it further enacted by the authority aforesaid, That the act, entitled "An act appointing commissioners, with power to declare



the consent of the Legislature of the state of New York, that a certain territory within the jurisdiction thereof should be formed or erected into a new state," passed the sixteenth day of July, in the year one thousand seven hundred and eighty-nine, shall be, and hereby is, repealed."

*State of New York, in Assembly, February 20, 1790.*

This bill having been read the third time, Resolved, That the bill do pass.

By order of the Assembly.

GULIAN VERPLANCK, *Speaker.*

*State of New York, in Senate, February 27th, 1790.*

This bill having been read a third time, Resolved, That the bill do pass.

By order of the Senate.

ISAAC ROOSEVELT, *President, pro hac vice.*

*In Council of Revision, 6th of March, 1790.*

*Resolved,* That it does not appear improper to the council that this bill, entitled "An act appointing commissioners with power to declare the consent of the legislature of this state, that a certain territory within the jurisdiction thereof should be formed or erected into a new state," should become a law of this state.

GEO. CLINTON.

All which we have exemplified by these presents. In testimony whereof, we have caused these our letters to be made patent, and the great seal of our said state to be hereunto affixed. Witness our trusty and well beloved George Clinton, esq. Governor of our said state, general and commander in chief of all the militia, and admiral of the navy of the same, at our city of New York, this first day of February, 1791, and in the fifteenth year of our independence.

GEO. CLINTON.

Passed the Secretary's Office, 2d Feb. 1791.

ROBERT HARPUR, *Dep. Secretary.*

To all to whom these presents shall come :

Be it known, That Robert Yates, John Lansing, jun. Gulian Verplanck, Simeon De Witt, Egbert Benson, and Melancton Smith, commissioners appointed by an act of the Legislature of the state of New York, entitled "An act appointing commissioners, with power to declare the consent of the legislature of this state, that a certain territory, within the jurisdiction thereof, should be formed into a new state," passed the sixth day of March last, do hereby, by virtue of the powers to them granted for the purpose, declare the consent of the Legislature of the state of New York, that the community now actually exercising independent jurisdiction as the state of Vermont, be admitted into the Union of the United States of America; and that, immediately from such admission, all claim of jurisdiction, of the state of New York, within the state of Vermont, shall cease; and, thenceforth, the perpetual boundary line, between the state of New York and the state of Vermont, shall be as follows, viz: Beginning at the northwest corner of the state of Massachusetts; thence, westward, along the south boundary of the township of Pownal, to the southwest corner thereof; thence, northerly, along the western boundaries of the townships of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlett, Wells, and Poultney, as the said townships are now held or possessed, to the river commonly called Poultney River; thence, down the same, through the middle of the deepest channel thereof, to East Bay; thence, through the middle of the deepest channel of East Bay, and the waters thereof, to where the same communicate with Lake Champlain; thence, through the middle of the deepest channel of Lake Champlain, to the eastward of the islands called the Four Brothers, and the westward of the islands called Grand Isle and Long Isle, or the Two Heroes, and to the westward of the Isle La Motte, to the forty-fifth degree of north latitude. And the said commissioners do hereby declare the will of the Legislature of the state of New York, that, if the legislature of the state of Vermont shall, on or before the first day of January, in the year one thousand seven hundred and ninety-two, declare that the state of Vermont shall, on or before the first day of June, in the year one thousand seven hundred and ninety-four, pay, to the state of New York, the sum of thirty thousand dollars, that, immediately from such declaration by the Legislature of the state of Vermont, all rights and titles to lands within the state of Vermont, under grants from the government of the late colony of New York, or from the state of New York, except as hereinafter excepted, shall cease; or, if the Legislature of the state of Vermont shall not elect to make such declaration, then,

that, except in cases where the grants from New York were intended as confirmations of grants from New Hampshire, all rights and titles under grants from the government of the late colony of New York, or from the state of New York, to lands within the state of Vermont, which may have been granted by the government of the colony of New Hampshire, shall cease, and the boundaries, according to which such grants from the government of the late colony of New Hampshire have been held or possessed, shall be deemed to be the true boundaries. And the said commissioners do hereby further declare the will of the Legislature of the state of New York; that all rights and titles to lands within the state of Vermont, under grants from the government of the late colony of New York, or from the state of New York, and not granted by the government of the late colony of New Hampshire, shall be suspended until the expiration of three years after the governor of the state of Vermont, for the time being, shall have been notified that a commissioner, to be appointed by the state of New York, after the first day of January, in the year one thousand seven hundred and ninety-two, and to reside and hold a public office at the city of Albany, shall have entered upon the execution of his office. And if, within one year after such notification, there shall be delivered to such commissioner, either the original or a certified abstract, containing the date, the names of the grantees, and the boundaries of a grant from New York; and if, thereupon, at any time before the expiration of the said term of three years above mentioned, there shall be paid to such commissioner at the rate of ten cents per acre for the whole or any parcel of the lands contained in such grant from New York, all right and title under such grant shall, in respect to the lands for which payment shall so be made, cease; and a receipt, under the hand and seal of such commissioner, specifying the land for which payment shall be made, shall be evidence of the payment; and, in default of delivering the original, or such certified abstract of the grant to the commissioner, within the said term of one year for that purpose above limited, all right and title under the grant, in respect of which there shall be such default of delivery, shall cease; but, where the original or certified abstract of the grant shall be duly delivered to the commissioner; and if, thereupon, payment shall not be duly made to the commissioner, the right and title under the grant, in respect to the lands for which payment shall not be made, shall remain; and suits for the recovery of such lands may be prosecuted in the ordinary course of law: Provided, the suit be commenced within ten years after the state of Vermont shall have been admitted into the Union of the United States, otherwise the right and title, under the grant from New York, shall in such case also cease. In testimony whereof, the said commissioners have hereunto set their hands, and affixed their seals, the seventh day of October, in the fifteenth year of the independence of the United States of America, 1790.

EGBERT BENSON,  
GULIAN VERPLANCK,  
ROBERT YATES,  
MELANCTON SMITH,  
SIMEON DE WITT,  
JOHN LANSING, jr.

*Witnesses.*

RICHARD VARICK,  
ALEXANDER HAMILTON,  
SAMUEL JONES,  
ROBERT BENSON.

An act directing the payment of thirty thousand dollars to the state of New York, and declaring what shall be the boundary line between the state of Vermont and state of New York, and declaring certain grants therein mentioned extinguished.

Whereas Robert Yates, John Lansing, junior, Gulian Verplanck, Simeon De Witt, Egbert Benson, and Melancton Smith, Esquires, commissioners appointed by an act of the Legislature of the state of New York, entitled "An act appointing commissioners, with power to declare the consent of the Legislature of the state of New York, that a certain territory within the jurisdiction thereof should be formed into a new state," passed the fifth day of March, in the year of our Lord one thousand seven hundred and ninety, did, by their certain act, on the seventh day of October instant, at New York, by virtue of the powers to them granted for that purpose, among other things declare the consent of the Legislature of the state of New York, that the state of Vermont be admitted into the Union of the United States of America; and that, immediately from such admission, all claims of jurisdiction of the state of New York, within the state of Vermont, should cease, and, thenceforth, the perpetual boundary



line between the state of New York and the state of Vermont should be as follows, viz : Beginning at the northwest corner of the state of Massachusetts, thence, westward along the south boundary of Pownal, to the southwest corner thereof; thence, northerly, along the western boundaries of the townships of Pownal, Bennington, Shaftsbury, Arlington, Sandgate, Rupert, Pawlet, Wells, and Poultney, as the said townships are now held or possessed, to the river commonly called Poultney river; thence, down the same, through the middle of the deepest channel thereof, to East Bay; thence, through the middle of the deepest channel of East Bay, and the waters thereof, to where the same communicate with Lake Champlain; thence, through the middle of the deepest channel of Lake Champlain, to the eastward of the islands called the Four Brothers, and the westward of the islands called the Grand Isle and Long Isle, or the Two Heroes, and to the westward of the Isle La Motte, to the forty-fifth degree of north latitude. And the said commissioners, by virtue of the powers to them granted, did declare the will of the Legislature of the state of New York, that if the Legislature of the state of Vermont should, on or before the first day of January, one thousand seven hundred and ninety-two, declare, that, on or before the first day of June, one thousand seven hundred and ninety-four, the said state of Vermont would pay to the state of New York the sum of thirty thousand dollars; that, immediately from such declaration by the Legislature of the state of Vermont, all rights and titles to lands within the state of Vermont, under grants from the government of the late colony of New York, or from the state of New York, except as is therein excepted, should cease: wherefore,

It is hereby enacted by the General Assembly of the state of Vermont, that the state of Vermont shall; on or before the first day of June, one thousand seven hundred and ninety-four, pay the state of New York thirty thousand dollars; and the Treasurer of this state, for and in behalf of this state, and for the purposes mentioned in the act of the commissioners aforesaid, shall pay to the state of New York the sum of thirty thousand dollars, on or before the first day of June, one thousand seven hundred and ninety-four. And it is hereby further enacted, that the said line described in the said act of the said commissioners, shall henceforth be the perpetual boundary line between the state of Vermont and the state of New York: and all grants, charters, or patents of land, lying within the state of Vermont, made by or under the government of the late colony of New York, except such grants, charters, or patents, as were made in confirmation of grants, charters, or patents, made by or under the government of the late province or colony of New Hampshire, are hereby declared null and void, and incapable of being given in evidence in any court of law within this state."

STATE OF VERMONT, SECRETARY'S OFFICE,

*Bennington, January 21, 1791.*

The preceding is a true copy of an act passed by the legislature of the state of Vermont, the twenty eighth day of October, in the year of our Lord one thousand seven hundred and ninety,

Attest,

ROSWELL HOPKINS, *Secretary of State.*

An act to authorize the people of this state to meet in convention, to deliberate upon and agree to the constitution of the United States.

Whereas, in the opinion of this legislature, the future interest and welfare of this state render it necessary that the constitution of the United States of America, as agreed to by the convention at Philadelphia, on the 17th day of September, in the year of our Lord one thousand seven hundred and eighty seven, with the several amendments and alterations, as the same has been since established by the United States, should be laid before the people of this state, for their approbation:

It is hereby enacted by the general assembly of the state of Vermont, that the first constable in each town shall warn the inhabitants who by law are entitled to vote for representatives in general assembly, in the same manner as they warn freemen's meetings to meet in their respective towns, on the first Tuesday of December next, at 10 o'clock in the forenoon, at the several places fixed by law for holding the annual election; and, when so met, they shall proceed, in the same manner as in the election of representatives, to chuse some suitable person from each town, to serve as a delegate in a state convention, for the purpose of deliberating upon and agreeing to the constitution of the United States as now established. And the said constable shall certify to the state convention the person so chosen in manner aforesaid; and,

It is hereby further enacted by the authority aforesaid, that the persons so elected to serve in state convention, as aforesaid, do assemble and meet together on the first

Thursday of January next, at Bennington, in the county of Bennington, then and there to deliberate upon the aforesaid constitution of the United States, and, if approved of by them, finally to assent to and ratify the same, in behalf and on the part of the people of this state, and make report thereof to the governor of this state for the time being, to be by him communicated to the President of the United States, and the legislature of this state.

STATE OF VERMONT, SECRETARY'S OFFICE,

*Bennington, January 21, 1791.*

The preceding is a true copy of an act passed by the legislature of the state of Vermont, the twenty-seventh day of October, in the year of our Lord one thousand seven hundred and ninety.

Attest,

ROSWELL HOPKINS, *Secretary of State.*

In Convention of the Delegates of the people of the State of Vermont.

Whereas, by an act of the commissioners of the state of New York, done at New York, the seventh day of October, in the fifteenth year of the independence of the United States of America, and in the year of our Lord one thousand seven hundred and ninety, every impediment, as well on the part of the state of New York as on the part of the state of Vermont, to the admission of the state of Vermont into the Union of the United States of America, is removed, in full faith and assurance that the same will stand approved and ratified by Congress:

This convention, having impartially deliberated upon the constitution of the United States of America, as now established, submitted to us by an act of the general assembly of the state of Vermont, passed October twenty seventh, one thousand seven hundred and ninety, do, in virtue of the power and authority to us given for that purpose, fully and entirely approve of, assent to, and ratify, the said constitution; and declare that, immediately from and after this state shall be admitted by the Congress into the Union, and to a full participation of the benefits of the government now enjoyed by the states in the Union, the same shall be binding on us, and the people of the state of Vermont, for ever.

Done at Bennington, in the county of Bennington, the tenth day of January, in the fifteenth year of the independence of the United States of America, one thousand seven hundred and ninety one. In testimony whereof, we have hereunto subscribed our names,

THOMAS CHITTENDEN, *President.*

Signed by one hundred and five members; dissented, four.

Attest,

ROSWELL HOPKINS, *Secretary of Convention.*

STATE OF VERMONT, SECRETARY'S OFFICE,

*Bennington, January 21, 1791.*

The preceding is a true copy of the original act of the convention of the state of Vermont, done at Bennington, the tenth day of January, one thousand seven hundred and ninety one.

Attest,

ROSWELL HOPKINS, *Secretary of State.*

By his Excellency Thomas Chittenden, Esq. Captain-General, Governor and Commander in Chief in and over the state of Vermont.

This certifies, That Roswell Hopkins, Esquire, is Secretary to the state of Vermont, and that all due faith and credence ought to be given to attestations by him officially made.

In testimony whereof, we have caused the seal of this state to be affixed, in Council, this twenty-second day of January, one thousand seven hundred and ninety-one.

THOMAS CHITTENDEN.

By his Excellency's command:

JOSEPH FAY, *Sec'y.*

BENNINGTON, *January 22, 1791.*

SIR: I have the honor to transmit to you copies of two acts of the Legislature of this state; the one directing the payment of thirty thousand dollars to the state of New-



York, and declaring the boundary line between the state of Vermont and the state of New York, and extinguishing certain grants therein mentioned; the other, an act authorising the people of this state to meet in convention, to deliberate upon and agree to the constitution of the United States; and also a copy of the proceeding of the convention.

This will be delivered by the honorable Nathaniel Chipman and Lewis R. Morris, Esquires, who are appointed commissioners to apply to the Congress of the United States for the admission of this state into the Union, whom I beg to recommend to your favorable notice.

I have the honor to be, &c.

THOS. CHITTENDEN.

*The President of the United States.*

By his Excellency Thomas Chittenden, Esquire, Captain-General, Governor and Commander in Chief in and over the state of Vermont.

*To the honorable Nathaniel Chipman, Esquire, and Lewis R. Morris, Esquire, greeting:*

You being elected by the Legislature of this state Commissioners to the Congress of the United States, to apply for the admission of the state of Vermont into the Union, are hereby authorised and empowered to proceed to the Congress of the United States, now in session at the city of Philadelphia, and negotiate on behalf of this state, agreeably to your said appointment.

In testimony whereof, we have caused the seal of this state to be affixed, in council, at Bennington, this twenty-fourth day of January, one thousand seven hundred and ninety-one; and in the fifteenth year of the independence of this state.

THOMAS CHITTENDEN.

By his Excellency's command:

JOSEPH FAY, Sec'y.

The President and Congress of the United States of America.

Nathaniel Chipman and Lewis R. Morris, commissioners, authorised and appointed by the state of Vermont, most respectfully represent, that the citizens of that state, having shared in common with those of the other states, in the hazards and burthens of establishing the American revolution, have long anxiously desired to be united with them, under the same general government. They have seen, with great satisfaction, a new and more perfect union of the people of America, and the unanimity with which they have recently approved the national constitution manifests their attachment to it, and the zeal with which they desire to participate its benefits.

Questions of interfering jurisdiction between them and the state of New York have heretofore delayed this application. These points being now happily adjusted, the memorialists, on behalf of their constituents, most respectfully petition, that the Congress will consent to the admission of the state of Vermont, by that name and style, as a new and entire member of the United States.

They have the honor to accompany this memorial with such papers and documents as have relation to the same, and, with the highest deference for the wisdom of Congress, the memorialists repeat their solicitations, that, during their present session, they would be pleased to adopt such measures as will include within the national government a people zealous to support and defend it.

NATHANIEL CHIPMAN.  
LEWIS R. MORRIS.

*Philadelphia, February 7, 1791.*

*Ordered,* That the message from the President of the United States of this date, with the papers accompanying it, be referred to Messrs. King, Monroe, Ellsworth, Langdon, and Hawkins, to consider and report what is proper to be done thereon.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they had examined the enrolled bill, entitled "An act making appropriations for the support of government during the year one thousand seven hundred and ninety-one; and for other purposes," and that they found it correct.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate for the signature of the Vice President. And he withdrew.

The Vice President signed the enrolled bill, entitled "An act making appropriations for the support of government during the year one thousand seven hundred and ninety-one, and for other purposes;" and it was delivered to the Committee on Enrolled Bills, to be laid before the President of the United States for his approbation.

The petition of Stephen Drayton, praying compensation for supplies to the army during the late war, was read; and,

*Ordered*, That it lie on the table.

The Senate adjourned to 11 o'clock to-morrow.

#### THURSDAY, FEBRUARY 10, 1791.

The Senate assembled: present as yesterday.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they did, yesterday, lay before the President of the United States, for his approbation, the bill, entitled "An act making appropriations for the support of government during the year one thousand seven hundred and ninety-one, and for other purposes."

Mr. King, from the committee to whom was referred the message from the President of the United States of the 9th instant, relative to the state of Vermont, with the papers therein contained, reported a bill, as follows: "An act for the admission of the state of Vermont into this Union."

1     Sec. 1. The state of Vermont having petitioned the Congress to be admitted a  
2     member of the United States, be it enacted by the Senate and House of Repre-  
3     sentatives of the United States of America in Congress assembled, and it is hereby  
4     enacted and declared, that, on the fourth day of March, one thousand seven hun-  
5     dred and ninety-one, the said state, by the name and style of "the state of Ver-  
6     mont," shall be received and admitted into this Union, as a new and entire mem-  
7     ber of the United States of America.

1     Sec. 2. And be it further enacted, That, until the representatives in Congress  
2     shall be appointed, according to an actual enumeration of the inhabitants of the  
3     United States, the said state shall be entitled to choose two representatives.

This bill was read the first time.

*Ordered*, That this bill pass to the second reading.

The Senate proceeded to the third reading of the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead: and, also, upon spirits distilled within the United States, and for appropriating the same."

1     Sec. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
2     ed States of America in Congress assembled, That, after the last day of June next,  
3     the duties laid on distilled spirits by the act, entitled "An act making further  
4     provision for the payment of the debts of the United States," shall cease; and that,  
5     upon all distilled spirits which shall be imported into the United States after that  
6     day, from any foreign port or place, there shall be paid for their use the duties  
7     following, that is to say:

8     For every gallon of those spirits, more than ten per cent. below proof, accord-  
9     ing to Dycas' hydrometer, twenty cents.

10    For every gallon of those spirits under five, and not more than ten per cent. be-  
11    low proof, according to the same hydrometer, twenty-one cents.

12    For every gallon of those spirits of proof, and not more than five per cent. be-  
13    low proof, according to the same hydrometer, twenty-two cents.

14    For every gallon of those spirits above proof, but not exceeding twenty per  
15    cent. according to the same hydrometer, twenty-five cents.

16    For every gallon of those spirits more than twenty, and not more than forty per  
17    cent. above proof, according to the same hydrometer, thirty cents.

18    For every gallon of those spirits more than forty per cent. above proof, accord-  
19    ing to the same hydrometer, forty cents.

1     Sec. 2. And be it further enacted, That the said duties shall be collected in  
2     the same manner, by the same persons, under the same regulations, and subject  
3     to the same forfeitures, and other penalties, as those heretofore laid; the act con-  
4     cerning which shall be deemed to be in full force for the collection of the duties  
5     herein before imposed, except as to the alterations contained in this act.

1     Sec. 3. And be it further enacted, That the said duties, when the amount  
2     thereof shall not exceed fifty dollars, shall be immediately paid; but when the  
3     said amount shall exceed fifty dollars, may, at the option of the proprietor, im-  
4     porter, or consignee, be either immediately paid, or secured by bond, with con-  
5     dition for the payment of one moiety thereof in three months, and the other moie-



6 ty thereof in six months; which bond, at the like option of the proprietor, im-  
7 porter, or consignee, shall either include one or more sureties to the satisfaction  
8 of the collector, or person acting as such, or shall be accompanied with a deposit  
9 in the custody of the said collector, or person acting as such, of so much of the  
10 said spirits as shall, in his judgment, be a sufficient security for the amount of the  
11 duties for which the said bond shall have been given, and the charges of the safe keep-  
12 ing and sale of the spirits so deposited; which deposit shall and may be accepted  
13 in lieu of the said surety or sureties, and shall be kept by the said collector, or  
14 person acting as such, with due and reasonable care, at the expense and risk of  
15 the party or parties on whose account the same shall have been made, until the  
16 first of the said moieties shall become due; at which time, if such moiety shall  
17 not be paid, so much of the said deposited spirits, as may be necessary, shall be  
18 sold at public sale, and the proceeds thereof, after deducting the charges of keep-  
19 ing and sale, shall be applied to the payment of the whole sum of the duties for  
20 which such deposit shall have been made, rendering the overplus of the said pro-  
21 ceeds, and the residue of the said spirits, if any there be, to the person or persons  
22 by whom such deposit shall have been made, or to his, her, or their representa-  
23 tives; and, in case the second moiety shall not be paid when it shall become due,  
24 then the like proceedings shall be had as are directed in case of failure in the  
25 payment of the first moiety.

1 SEC. 4. And be it further enacted, That the President of the United States be  
2 authorized to appoint, with the advice and consent of the Senate, such number  
3 of officers as shall appear to him necessary, to be denominated inspectors of the  
4 revenue; and to assign to them respectively such districts or limits, for the exer-  
5 cise of their respective offices, as he shall judge best adapted to the execution  
6 thereof; dividing the districts, if he shall think it advisable, into general and par-  
7 ticular, and placing the inspectors of the latter under the superintendence of  
8 the former, within the limits whereof they shall be respectively comprehended.

1 SEC. 5. And be it further enacted, That the inspector or inspectors of the re-  
2 venue for each district shall establish one or more offices within the same, as  
3 may be necessary; and, in order that the said offices may be publicly known, there  
4 shall be painted or written, in large legible characters, upon some conspicuous  
5 part outside and in front of each house, building, or place, in which any such of-  
6 fice shall be kept, these words: "*Office of Inspection.*" And if any person shall paint  
7 or write, or cause to be painted or written, the said words upon any other than  
8 such house or building, he or she shall forfeit and pay, for so doing, one hundred  
9 dollars.

1 SEC. 6. And be it further enacted, That, within forty-eight hours after any  
2 ship or vessel, having on board any distilled spirits, brought in such ship or ves-  
3 sel from any foreign port or place, shall arrive within any port of the United  
4 States, whether the same be the first port of arrival of such ship or vessel, or not,  
5 the master or person having the command or charge thereof, shall report to the  
6 inspector or other chief officer of inspection of the port at which he shall so ar-  
7 rive, the place from which she last sailed, with her name and burthen, and the  
8 quantity and kinds of the said spirits on board of her, and the casks or cases con-  
9 taining them, with their marks and numbers; on pain of forfeiting the sum of five  
10 hundred dollars.

1 SEC. 7. And be it further enacted, That the collector, or other officer, or per-  
2 son acting as collector, with whom entry shall have been made of any of the said  
3 spirits, pursuant to the act, entitled "An act to provide more effectually for the  
4 collection of the duties imposed by law on goods, wares, and merchandises, im-  
5 ported into the United States, and on the tonnage of ships or vessels," shall forth-  
6 with, after such entry, certify and transmit the same, as particularly as it shall  
7 have been made with him, to the inspector of the revenue, or other proper offi-  
8 cer of inspection, of the port where it shall be intended to commence the delivery  
9 of the spirits so entered, or any part thereof; for which purpose, every proprie-  
10 tor, importer, or consignee, making such entry, shall deliver two manifests of the  
11 contents, (upon one of which the said certificates shall be given,) and shall, at the  
12 time thereof, declare the port at which the said delivery shall be so intended to  
13 be commenced, to the collector or officer with whom the same shall be made.  
14 And every permit granted by such collector, for the landing of any of the said  
15 spirits, shall, previous to such landing, be produced to the said officer of inspec-  
16 tion, who shall make a minute, in some proper book, of the contents thereof, and  
17 shall endorse thereupon the word "*Inspected,*" the time when, and his own  
18 name; after which he shall return it to the person by whom it shall have been  
19 produced; and then, and not otherwise, it shall be lawful to land the spirits

20 therein specified; and if the said spirits shall be landed without such endorsement  
21 upon the permit for that purpose granted, the master or person having charge of  
22 the ship or vessel from which the same shall have been so landed, shall, for every  
23 such offence, forfeit the sum of five hundred dollars.

1 SEC. 8. And be it further enacted, That, whenever it shall be intended that  
2 any ship or vessel shall proceed with the whole or any part of the spirits which  
3 shall have been brought in such ship or vessel from any foreign port or place,  
4 from one port in the United States to another port in the said United States,  
5 whether in the same or in different districts, the master or person having the  
6 command or charge of such ship or vessel shall, previous to her departure, apply  
7 to the proper officer of inspection for the port from which she is about to depart  
8 for a certificate of the quantity and particulars of such of the said spirits as shall  
9 have been certified to him to have been entered as imported in such ship or ves-  
10 sel, and of so much thereof as shall appear to him to have been landed out of her  
11 at such port; which certificate the said officer shall forthwith grant without fee, or  
12 charge. And the master or person having the command or charge of such ship or  
13 vessel shall, within twenty-four hours after her arrival at the port to which she  
14 shall be bound, deliver the said certificate to the proper officer of inspection of such  
15 last mentioned port. And if such ship or vessel shall proceed from one port to an-  
16 other within the United States, with the whole or any part of the spirits brought  
17 in her as aforesaid, without having first obtained such certificate; or if, within  
18 twenty-four hours after her arrival at such other port, the said certificate shall  
19 not be delivered to the proper officer of inspection there, the master or person  
20 having the command or charge of the said ship or vessel shall in either case for-  
21 feited the sum of five hundred dollars; and the spirits on board of her at her said ar-  
22 rival shall be forfeited, and may be seized by any officer of inspection.

1 SEC. 9. And be it further enacted, That all spirits which shall be imported as  
2 aforesaid shall be landed under the inspection of the officer or officers of inspec-  
3 tion for the place where the same shall be landed, and not otherwise, on pain of  
4 forfeiture thereof: for which purpose the said officer or officers shall, at all rea-  
5 sonable times, attend: Provided, that this shall not be construed to exclude the  
6 inspection of the officers of the customs as now established and practised.

1 SEC. 10. And be it further enacted, That the officers of inspection under  
2 whose survey any of the said spirits shall be landed, shall, upon landing thereof,  
3 and as soon as the casks and cases containing the same shall be gauged or mea-  
4 sured, brand or otherwise mark, in durable characters, the several casks or cases  
5 containing the same, with progressive numbers; and, also, with the name of the  
6 ship or vessel wherein the same was or were imported, and of the port of entry,  
7 and with the proof and quantity thereof; together with such other marks, if any  
8 other shall be deemed needful, as the respective inspectors of the revenue may  
9 direct. And the said officer shall keep a book, wherein he shall enter the name  
10 of each vessel in which any of the said spirits shall be so imported, and of the  
11 port of entry and of delivery; and of the master of such vessel, and of each impor-  
12 ter, and of the several casks and cases containing the same, and the marks of each;  
13 and if not an inspector, or the chief officer of inspection, for the place, shall, as  
14 soon as may be thereafter, make an exact transcript of each entry, and deliver  
15 the same to such inspector or chief officer, who shall keep a like book for re-  
16 cording the said transcripts.

1 SEC. 11. And be it further enacted, That the inspector of the revenue, or oth-  
2 er chief officer of inspection, within whose survey any of the said spirits shall be  
3 landed, shall give to the proprietor, importer, or consignee thereof, or his or her  
4 agent, a certificate, to remain with him or her, of the whole quantity of the said  
5 spirits which shall have been so landed; which certificate, besides the said quanti-  
6 ty, shall specify the name of such proprietor, importer, or consignee, and of the  
7 vessel from on board which the said spirits shall have been landed, and of the  
8 marks of each cask or case containing the same. And the said inspector, or oth-  
9 er chief officer of inspection, shall deliver to the said proprietor, importer, or con-  
10 signee, or to his or her agent, a like certificate for each cask or case; which shall  
11 accompany the same wheresoever it shall be sent, as evidence of its being lawful-  
12 ly imported. And the officer of inspection granting the said certificates shall make  
13 regular and exact entries in the book to be by him kept as aforesaid, of all spirits  
14 for which the same shall be granted, as particularly therein described. And the  
15 said proprietor, importer, or consignee, or his or her agent, upon the sale and de-  
16 livery of any of the said spirits, shall deliver to the purchaser or purchasers there-  
17 of, the certificate or certificates which ought to accompany the same; on pain of



18 forfeiting the sum of fifty dollars for each cask or case with which such certifi-  
19 cate shall not be delivered.

1 SEC. 12. And be it further enacted, That every importer of distilled spirits  
2 shall enter in a book, to be kept for that purpose, the name or names of every per-  
3 son or persons to whom any of the said spirits shall be sold or delivered, and the  
4 mark or marks which, according to the provisions of this act, are directed to be  
5 put upon the casks or cases containing the same; and the said importer shall, as  
6 often as required, produce the said book to the officer of inspection requiring the  
7 same, who may take a copy of such entries, and compare the deliveries and the  
8 spirits then on hand, with the original entry thereof; and if any importer or im-  
9 porters of distilled spirits shall neglect or refuse to keep such book of entries, or  
10 shew the same and the spirits on hand, to the proper officer, when required, he,  
11 she, or they, so neglecting or refusing, shall forfeit for every such neglect or re-  
12 fusal a sum not exceeding one hundred dollars.

1 SEC. 13. And be it further enacted, That, upon all spirits which, after the said  
2 last day of June next, shall be distilled within the United States, wholly or in part  
3 from molasses, sugar, or other foreign materials, there shall be paid for their use  
4 the duties following; that is to say:

5 For every gallon of those spirits more than ten per cent. below proof, accord-  
6 ing to Dycas' hydrometer, eleven cents.

7 For every gallon of those spirits under five, and not more than ten per cent.  
8 below proof, according to the same hydrometer, twelve cents.

9 For every gallon of those spirits of proof, and not more than five per cent. be-  
10 low proof, according to the same hydrometer, thirteen cents.

11 For every gallon of those spirits above proof, and not exceeding twenty per  
12 cent. according to the same hydrometer, fifteen cents.

13 For every gallon of those spirits more than twenty, and not more than forty  
14 per cent. above proof, according to the same hydrometer, twenty cents.

15 For every gallon of those spirits more than forty per cent. above proof, accord-  
16 ing to the same hydrometer, thirty cents.

1 SEC. 14. And be it further enacted, That, upon all spirits which, after the said  
2 last day of June next, shall be distilled within the United States, from any article  
3 of the growth or produce of the United States, in any city, town, or village, there  
4 shall be paid for their use the duties following; that is to say:

5 For every gallon of those spirits more than ten per cent. below proof, accord-  
6 ing to Dycas' hydrometer, nine cents.

7 For every gallon of those spirits under five and not more than ten per cent.  
8 below proof, according to the same hydrometer, ten cents.

9 For every gallon of those spirits of proof, and not more than five per cent. be-  
10 low proof, according to the same hydrometer, eleven cents.

11 For every gallon of those spirits above proof, but not exceeding twenty per  
12 cent. according to the same hydrometer, thirteen cents.

13 For every gallon of those spirits more than twenty and not more than forty per  
14 cent. above proof, according to the same hydrometer, seventeen cents.

15 For every gallon of those spirits more than forty per cent. above proof, accord-  
16 ing to the same hydrometer, twenty-five cents.

1 SEC. 15. And be it further enacted, That the said duties on spirits distilled  
2 within the United States shall be collected under the management of the inspec-  
3 tors of the revenue.

1 SEC. 16. And be it further enacted, That the said duties on spirits distilled  
2 within the United States shall be paid or secured previous to the removal thereof  
3 from the distilleries at which they are respectively made. And it shall be at the  
4 option of the proprietor or proprietors of each distillery, or of his, her, or their  
5 agent, having the superintendence thereof, either to pay the said duties previous  
6 to such removal, with an abatement at the rate of two cents for every ten gal-  
7 lons, or to secure the payment of the same, by giving bond quarter yearly, with  
8 one or more sureties, to the satisfaction of the officer of inspection within whose  
9 survey such distillery shall be, and in such sum as the said officer shall direct,  
10 with condition for the payment of the duties upon all such of the said spirits as  
11 shall be removed from such distillery, within three months next ensuing the date  
12 of the bond, at the expiration of nine months from the said date.

1 SEC. 17. And be it further enacted, That the inspector or inspectors of each  
2 district shall appoint a proper officer to have the charge and survey of each dis-

3 tillery within his or their district, who shall attend such distillery at all reasonable  
4 times, for the execution of the duties by this act enjoined on him.

1 SEC. 18 And be it further enacted, That, previous to the removal of any of the  
2 said spirits from any distillery, the officer of inspection within whose survey the  
3 same may be, shall brand or otherwise mark each cask containing the same, in  
4 durable characters, and with progressive numbers, and with the name of the act-  
5 ing owner or other manager of such distillery, and of the place where the same  
6 was situate, and with the quantity therein, to be ascertained by actual guaging, and  
7 with the proof thereof. And the duties thereupon having been first paid, or se-  
8 cured, as above provided, the said officer shall grant a certificate for each cask  
9 of the said spirits, to accompany the same wheresoever it shall be sent, purport-  
10 ing that the duty thereon hath been paid or secured, as the case may be, and de-  
11 scribing each cask by its marks; and shall enter in a book, for that purpose to be  
12 kept, all the spirits distilled at such distillery, and removed from the same; and  
13 the marks of each cask, and the persons for whose use, and the places to which  
14 removed, and the time of each removal, and the amount of the duties on the spi-  
15 rits so removed. And if any of the said spirits shall be removed from any such dis-  
16 tillery without having been branded or marked as aforesaid, or without such cer-  
17 tificate as aforesaid, the same, together with the cask or casks containing, and the  
18 horses or cattle, with the carriages, their harness, and tackling, employed in re-  
19 moving them, shall be forfeited, and may be seized by any officer of inspection.  
20 And the superintendent or manager of such distillery shall also forfeit the full  
21 value of the spirits so removed, to be computed at the highest price of the like  
22 spirits in the market.

1 SEC. 19. And be it further enacted, That no spirits shall be removed from any  
2 such distillery at any other times than between sun rising and sun setting.

1 SEC. 20. And be it further enacted, That, upon stills which, after the last day of  
2 June next, shall be employed in distilling spirits from materials of the growth  
3 or production of the United States, in any other place than a city, town, or vil-  
4 lage, there shall be paid, for the use of the United States, the yearly duty of sixty  
5 cents for every gallon, English wine measure, of the capacity or content of each  
6 and every such still, including the head thereof.

1 SEC. 21. And be it further enacted, That the evidence of the employment of  
2 the said stills shall be, their being erected in stone, brick, or some other man-  
3 ner whereby they shall be in a condition to be worked.

1 SEC. 22 And be it further enacted, That the said duties on stills shall be col-  
2 lected under the management of the inspectors of the revenue, who, in each dis-  
3 trict, shall appoint and assign proper officers for the surveys of the said stills  
4 and the admeasurement thereof, and the collection of the duties thereupon; and  
5 the said duties shall be paid half yearly, within the first fifteen days of January and  
6 July, upon demand, of the proprietor or proprietors of each still, at his, her, or  
7 their dwelling, by the proper officer charged with the survey thereof: And, in  
8 case of refusal or neglect to pay, the amount of the duties so refused or neglect-  
9 ed to be paid, may either be recovered with costs of suit in an action of debt in  
10 the name of the inspector or inspectors of the district within which such refusal  
11 shall happen, for the use of the United States, or may be levied by distress and  
12 sale of goods of the person or persons refusing or neglecting to pay, rendering  
13 the overplus (if any there be, after payment of the said amount, and the charges  
14 of distress and sale) to the said person or persons.

1 SEC. 23. And be it further enacted, That, if the proprietor of any such still,  
2 finding himself or herself aggrieved by the said rates, shall enter, or cause to be  
3 entered, in a book or on a paper to be kept for that purpose, from day to day  
4 when such still shall be employed, the quantity of spirits distilled therefrom, and  
5 the quantity from time to time sold or otherwise disposed of, and to whom and  
6 when, and shall produce the said book or paper to the proper officer of inspec-  
7 tion, within whose survey such still shall be, and shall make oath (or affirmation)  
8 that the same doth contain, to the best of his or her knowledge and belief, true  
9 entries made at their respective dates, of all the spirits distilled within the time  
10 to which such entries shall relate, from such still, and of the disposition thereof;  
11 and shall also declare, upon such oath or affirmation, the quantity of such spirits  
12 then remaining on hand; it shall be lawful in every such case for the said officer  
13 to whom the said book or paper shall be produced, and he is hereby required, to  
14 estimate the duties upon such still, according to the quantity so stated to have been  
15 actually made therefrom, at the rate of nine cents per gallon, which, and no more,  
16 shall be paid for the same: Provided, That, if the said entries shall be made by



17 any person other than the said proprietor, a like oath or affirmation shall be made  
18 by such person.

1 And the more effectually to prevent the evasion of the duties hereby imposed,  
2 to the no less injury of the fair trader than of the revenue:

3 SEC. 24. Be it further enacted, That every person who shall be a dealer or  
4 trader in distilled spirits (except as an importer, maker, or distiller thereof) in  
5 the original cask or cases in which they shall be imported, or in quantities of  
6 twenty-five gallons at one sale, shall be deemed a wholesale dealer in spirits,  
7 and shall write or paint, or cause to be written or painted, in large, legible, and  
8 durable characters, upon some conspicuous part outside, and in front of, each  
9 house or other building or place, and upon the door or usual entrance of each  
10 vault, cellar, or apartment, within the same in which any of the said spirits shall  
11 be at any time by him or her deposited or kept, or intended so to be, the words  
12 "wholesale dealer in spirits;" and shall, also, within three days at least before he  
13 or she shall begin to keep or sell any of the said spirits therein, make a particular  
14 entry in writing at the nearest office of inspection, of the district in which the  
15 same shall be situate, if within ten miles thereof, of every such house or other  
16 building or place, and of each cellar, vault, or apartment, within the same, in  
17 which he or she shall intend to put or keep any of the said spirits; and, if any  
18 such dealer shall omit to write or paint, or cause to be written or painted, the  
19 words aforesaid, and in manner aforesaid, upon any such house, or other building  
20 or place, or vault, cellar, or apartment thereof, in which he or she shall so have or  
21 keep any of the said spirits, or shall, in case the same be situated within the said  
22 distance of ten miles of any office of inspection, omit to make entry thereof as  
23 aforesaid, such dealer shall, for every such omission or neglect, forfeit the sum of  
24 five hundred dollars, and all the spirits which he or she shall have or keep there-  
25 in, or the value thereof, to be computed at the highest price of such spirits in the  
26 market.

1 SEC. 25. And be it further enacted, That every person who shall be a maker  
2 or distiller of spirits within any city, town, or village, shall write or paint, or cause  
3 to be written or painted, upon some conspicuous part outside and in front of each  
4 house or other building or place made use of, or intended to be made use of by  
5 him or her for the distillation or keeping of spirituous liquors, and upon  
6 the door or usual entrance of each vault, cellar, or apartment, within the same,  
7 in which any of the said liquors shall be at any time by him or her distilled, de-  
8 posited, or kept, or intended so to be, the words "distiller of spirits;" and every  
9 such distiller shall, within three days before he or she shall begin to distil therein,  
10 make a particular entry in writing, at the nearest office of inspection, if within  
11 ten miles thereof, of every such house, building, or place, and of each vault, cel-  
12 lar, and apartment, within the same, in which he or she shall intend to carry on  
13 the business of distilling, or to keep any spirits by him or her distilled. And if  
14 any such distiller within any city, town, or village, shall omit to paint or write, or  
15 cause to be painted or written, the words aforesaid, in manner aforesaid, upon any  
16 such house or other building, or place, or vault, cellar, or apartment thereof, or  
17 shall, in case the same shall be situate within the said distance of ten miles of  
18 any office of inspection, omit to make entry thereof as aforesaid, such distiller shall,  
19 for every such omission or neglect, forfeit one hundred dollars, and all the spirits  
20 which he or she shall keep therein, or the value thereof, to be computed at the  
21 highest price of such spirits in the market; to be recovered by action, with costs  
22 of suit, in any court proper to try the same, in the name of the inspector of the  
23 district within which such omission or neglect shall be, for the use of the United  
24 States: Provided always, and be it further enacted, That the said entry, to be  
25 made by persons who shall be dealers in or distillers of spirits, on the first day of  
26 July next, shall be made on that day, or within three days thereafter, accompa-  
27 nied (except where the duties hereby imposed are charged on the still) with a  
28 true and particular account or inventory of the spirits, on that day and at the  
29 time, in every or any house, building, or place, by him or her entered; and of  
30 the casks, cases, and vessels, containing the same, with their marks and numbers,  
31 and the quantities and qualities of the spirits therein contained, on pain of forfeit-  
32 ing, for neglecting to make such entry, or to deliver such account, the sum of  
33 one hundred dollars, and all the spirits by him or her had or kept in any such  
34 house, building, or place, to be recovered as aforesaid: And provided, also, that  
35 nothing herein contained shall be construed to exempt any such distiller, who  
36 shall be, besides his dealing as a distiller, a dealer or trader in distilled spirits, as

described in the twenty-fourth section of this act, from the regulations therein prescribed; but every such distiller, so being also a dealer or trader in distilled spirits, shall observe and be subject to all the rules, regulations, and penalties, therein specified.

SEC. 26. And be it further enacted, That the inspector or inspectors of the revenue for the district wherein any house, building, or place, shall be situate, whereof entry shall be made as last aforesaid, shall, as soon as may be thereafter, visit and inspect, or cause to be visited and inspected, by some proper officer or officers of inspection, every such house, or other building or place, within his or their district, and shall take, or cause to be taken, an exact account of the spirits therein respectively contained, and shall mark, or cause to be marked, in durable characters, the several casks, cases, or vessels, containing the same, with progressive numbers, and also with the name of each dealer or distiller to whom the same may belong, or in whose custody the same may be, and the quantities, kinds, and proofs of spirits therein contained, and these words, "Old Stock." And the said inspector, or inspectors, shall keep a book, wherein he or they shall enter the name of every such dealer or distiller within his or their district, and the particulars of such old stock in the possession of each, designating the several casks and cases containing the same, and their respective quantities, kinds, proofs, and marks. And he, or they, shall also give a certificate to every such dealer or distiller, of the quantity and particulars of such old stock in his or her possession, and a separate certificate for each cask, case, or vessel, describing the same according to its marks; which certificates shall accompany the same wheresoever it shall be sent. And in case there shall be no officer of inspection within the said distance of ten miles of any such house or other building or place, then it shall be the duty of such dealer to whom the same may belong to mark with the like durable characters the several casks containing the spirits therein, and in like manner as above directed to be done by the said inspector or inspectors. And the said dealer shall make entry thereof in some proper book, or on some proper paper, to be by him or her kept for that purpose, specifying particularly each cask, case, or vessel, and its marks, and the quantity and quality of the spirits therein contained, (of which entry he or they shall, upon request, deliver an exact copy to the inspector or inspectors of the revenue for the district,) and, if required by him or them, shall attest the same by oath, or affirmation.— And the said dealer, with every such cask, case, or vessel, which shall be delivered out of his or her house, or other building or place, shall give a certificate or permit, signed by himself or herself, of the like import of that above directed to be given by the said inspector or inspectors; which certificate shall in like manner accompany the same wheresoever it may be sent. And if any such dealer shall in the said case omit to mark the said several casks, cases, or vessels containing the said spirits, or to make entry thereof in some proper book, or on some proper paper as aforesaid, he or she shall forfeit and pay for every such neglect the sum of one hundred dollars. And if in the same case he or she shall deliver out or send away any of the said spirits, without such certificate by him or her directed to be furnished as aforesaid, the said spirits so delivered out or sent away, shall be forfeited, and may be seized by any officer of inspection; and the said dealer shall also forfeit the full value thereof: Provided, always, that nothing herein contained shall be construed to extend to casks, capable of containing two hundred gallons or upwards, and which are not intended to be removed; but in order to prevent the abuse of this exemption, it shall be necessary whenever any of the said dealers shall have occasion to put any spirits into any cask of the capacity of two hundred gallons or upwards, he or she shall give notice in writing of his or her intention so to do, to the officer of inspection nearest the building or place in which such cask shall be (if there shall be an officer of inspection within one mile of such house or building) specifying the time when he or she intends to commence the putting such spirits into such cask, to the end that the officer of inspection may, by himself or deputy, attend the doing thereof; but, in case of non-attendance by the officer or his deputy, such dealer may nevertheless proceed therein according to his or her notification.

SEC. 27. And be it further enacted, That every importer of distilled spirits, who, on the first day of July next, shall have in his or her possession any distilled spirits, shall, within three days thereafter, make due entry thereof with the officer of inspection within whose district the same shall then be; who shall mark the casks or cases containing such spirits, in like manner as is herein directed



6 for spirits in possession of wholesale dealers; and all the casks or cases marked,  
7 and the spirits therein contained, shall be under the like rules, regulations, and  
8 forfeitures, in all things respecting the delivery thereof, and the certificate which  
9 shall accompany the same, as is by the 24th section of this act provided for distill-  
10 ed spirits in the possession of wholesale dealers; and if any such importer or im-  
11 porters shall refuse or neglect to make such entry at the time and in the manner  
12 herein directed, all such spirits as shall not be so entered shall be forfeited, and  
13 the importer or importers in whose custody the same shall be found shall more-  
14 over forfeit the sum equal to the full value thereof, according to the highest price  
15 of such spirits in the market.

1 SEC. 28. And be it further enacted, That, when any such wholesale dealer in  
2 spirits shall bring into his or her entered house, building, or place, any of the said  
3 spirits, if such house, building, or place, be within two miles of any office of in-  
4 spection, he or she shall, within twenty-four hours after the said spirits shall be  
5 brought into such house, building, or place, send notice thereof in writing to the  
6 said office, specifying therein the quantity and kinds of the spirits so brought in,  
7 and the marks of the cask or casks, case or cases, containing the same, on pain of  
8 forfeiting, for every neglect to give such notice, fifty dollars. And it shall be the  
9 duty of the officer to whom such notice shall be given, forthwith thereafter to in-  
10 spect and take an account of such spirits.

1 SEC. 29. And be it further enacted, That, if any distilled spirits shall be found  
2 in the possession of any such dealer, without the proper certificates which ought  
3 to accompany the same, it shall be presumptive evidence that the same are liable  
4 to forfeiture, and it shall be lawful for any officer of inspection to seize them as  
5 forfeited; and if, upon the trial, in consequence of such seizure, the owner or clai-  
6 mant of the spirits seized shall not prove that the same were imported into the  
7 United States according to law, or were distilled as mentioned in the thirteenth  
8 and fourteenth sections of this act, and the duties thereupon paid, or were dis-  
9 tilled at one of the stills mentioned in the twentieth section of this act, they shall  
10 be adjudged to be forfeited.

1 SEC. 30. And be it further enacted, That it shall be lawful for the officers of  
2 inspection of each district, at all times in the day-time, upon request, to enter in-  
3 to all and every the houses, store-houses, ware-houses, buildings, and places, which  
4 shall have been entered by the said wholesale dealers in manner aforesaid, and,  
5 by tasting, gauging, or otherwise, to take an account of the quantity, kinds, and  
6 proofs, of the said spirits therein contained; and, also, to take samples thereof,  
7 paying for the same the usual price.

1 SEC. 31. And be it further enacted, That every such dealer shall keep the se-  
2 veral kinds of spirits in his or her entered ware-house, building, or place, sepa-  
3 rate and apart from each other, on pain of forfeiting, upon every conviction of  
4 neglect, fifty dollars; and shall also, upon request, shew to the officers of inspec-  
5 tion of the district wherein he or she is so a dealer, or to any of them, each and  
6 every cask, vessel, and case, in which he or she shall keep any distilled spirits, and  
7 the certificates which ought to accompany the same, upon pain of forfeiting every  
8 such cask, vessel, or case, as shall not be shewn, together with the spirits therein  
9 contained.

1 SEC. 32. And be it further enacted, That, if any person or persons shall rub out  
2 or deface any of the marks set upon any cask or case pursuant to the directions  
3 of this act, such person or persons shall, for every such offence, forfeit and pay  
4 the sum of one hundred dollars.

1 SEC. 33. And be it further enacted, That no cask, barrel, keg, or case, marked  
2 as "old stock," shall be made use of by any dealer or distiller of spirits, for putting  
3 or keeping therein any spirits other than those which were contained therein  
4 when so marked, on pain of forfeiting the sum of one hundred dollars for every  
5 cask, barrel, keg, vessel, or case, wherein any such spirits shall be so put or kept;  
6 neither shall any such dealer have or keep any distilled spirits in any such cask,  
7 barrel, keg, vessel, or case, longer than for the space of one year from the said  
8 last day of June next, on pain of forfeiting the said spirits.

1 SEC. 34. And be it further enacted, That, in case any of the said spirits shall be  
2 fraudulently deposited, hid, or concealed, in any place whatsoever, with intent to  
3 evade the duties hereby imposed upon them, they shall be forfeited: and, for the  
4 better discovery of any such spirits so fraudulently deposited, hid, or concealed,  
5 it shall be lawful for any judge of any court of the United States, or either of  
6 them, or for any justice of the peace, upon reasonable cause of suspicion, to be  
7 made out to the satisfaction of such judge or justice, by the oath or affirmation of

8 any person, or persons, by special warrant or warrants, under their respective  
9 hands and seals, to authorize any of the officers of inspection, by day, in the pre-  
10 sence of a constable or other officer of the peace, to enter into all, and every such  
11 place or places, in which any of the said spirits shall be suspected to be so fraudu-  
12 lently deposited, hid, or concealed, and to seize and carry away any of the said  
13 spirits which shall be there found so fraudulently deposited, hid, or concealed, as  
14 forfeited.

1 SEC. 35. And be it further enacted, That, after the last day of June next, no  
2 spirituous liquors shall be brought from any foreign port or place, in casks of less  
3 capacity than fifty gallons at the least, on pain of forfeiting of the said spirits, and  
4 of the ship or vessel in which they shall be brought: Provided, always, That no-  
5 thing in this act contained shall be construed to forfeit any spirits for being im-  
6 ported or brought into the United States, in other casks or vessels than as afore-  
7 said, or the ship or vessel in which they shall be brought, if such spirits shall be  
8 for the use of the seamen on board such ship or vessel, and shall not exceed the  
9 quantity of four gallons for each such seaman.

1 SEC. 36. And be it further enacted, That, in every case in which any of  
2 the said spirits shall be forfeited by virtue of this act, the casks, vessels, and cases,  
3 containing the same, shall also be forfeited.

1 SEC. 37. And be it further enacted, That every dealer by wholesale, or distiller  
2 of spirits, on which the duty is hereby charged by the gallon, shall keep, or cause  
3 to be kept, an exact account of the said spirits which he or she shall sell, send  
4 out, or distil, distinguishing their several kinds and proofs; and shall, every day,  
5 make a just and true entry in a book, or on a paper, to be kept for that purpose,  
6 of the quantities and particulars of the said spirits by him or her sold, sent out or  
7 distilled on the preceding day; specifying the marks of the several casks in which  
8 they shall be so sold or sent out, and the person to whom, and for whose use, they  
9 shall be so sold or sent out: which said books and papers shall be prepared for  
10 the making such entries, and shall be delivered, upon demand, to the said dealers  
11 and distillers, by the inspectors of the revenue of the several districts, or by such  
12 person or persons as they shall respectively for that purpose appoint, and shall be  
13 severally returned or delivered at the end of each year, or when the same shall  
14 be respectively filled up, (which shall first happen) to the proper officers of in-  
15 spection; and the truth of the entries, made therein, shall be verified upon the  
16 oath or the affirmation of the person by whom those entries shall have been made,  
17 and as often as the said books and papers shall be furnished, upon like demand,  
18 by the proper officers of inspection to the said dealers and distillers respectively.  
19 And the said books and papers shall, from time to time, while in the possession of  
20 the said dealers and distillers, lie open for the inspection of, and upon request  
21 shall be shewn to the proper officers of inspection, under whose survey the said  
22 dealers and distillers shall respectively be, who may take such minutes, memo-  
23 randums, or transcripts thereof, as they may think fit. And, if any such dealer  
24 or distiller shall neglect or refuse to keep such book or books, paper or papers,  
25 or to make such entries therein, or to shew the same, upon request, to the proper  
26 officer of inspection, or not return the same according to the directions of this  
27 act, he or she shall forfeit, for every such refusal or neglect, the sum of one hun-  
28 dred dollars.

1 SEC. 38. And be it further enacted, That the penalties, by this act imposed on  
2 distillers for neglecting to make report, to the inspectors, of their intentions of  
3 distilling spirits, or for neglecting to mark the houses, apartments, or vessels to be  
4 employed, or for neglecting to enter in books, or on paper, the quantity of spirits  
5 distilled, shall not extend to any person who shall employ one still only, and that  
6 of a capacity not exceeding fifty gallons, including the still head.

1 SEC. 39. And be it further enacted, That the several kinds of proof herein be-  
2 fore specified, shall, in marking the casks, vessels, and cases, containing any distil-  
3 led spirits, be distinguished, corresponding with the order in which they are men-  
4 tioned, by the words *first proof*, *second proof*, *third proof*, *fourth proof*, *fifth proof*,  
5 *sixth proof*: which words may be expressed by their respective initials. And that  
6 it be the duty of the Secretary of the Treasury to provide and furnish to the  
7 officers of inspection of the customs, proper instruments for ascertaining the said  
8 several proofs.

1 SEC. 40. And be it further enacted, That, in any prosecution or action which may  
2 be brought against any inspector, or other officer of inspection, for any seizure by  
3 him made, it shall be necessary for such inspector or officer to justify himself by  
4 making it appear that there was probable cause for making the said seizure; upon



5 which, and not otherwise, a verdict shall pass in his favor. And in any such action  
6 or prosecution, or in any action or prosecution which may be brought against such  
7 inspector or other officer, for irregular or improper conduct in the execution of  
8 his duty, the trial shall be by jury. And in any action for a seizure, in which a  
9 verdict shall pass for such inspector, the jury shall, nevertheless, assess reasonable  
10 damages for any prejudice or waste, (according to the true amount in value there-  
11 of,) which shall be shewn by good proof to have happened to the spirits seized,  
12 in consequence of such seizure; and, also, for the detention of the same, at the rate  
13 of six per cent. per annum, on the true value of the said spirits at the time of  
14 such seizure, from that time to the time of restoration thereof; which shall be paid  
15 out of the Treasury of the United States: Provided, that no damages shall be as-  
16 sessed when the seizure was made for want of the proper certificate or certifi-  
17 cates, or by reason of a refusal to shew any officer of inspection, upon his request,  
18 the spirits in any entered house, or other building or place.

1 SEC. 41. And be it further enacted, That, if any inspector, or other officer of  
2 inspection, in any criminal prosecution against him, shall be convicted of oppres-  
3 sion or extortion in the execution of his office, he shall be fined not exceeding five  
4 hundred dollars, or imprisoned not exceeding six months, or both, at the discretion  
5 of the court; and shall also forfeit his office.

1 SEC. 42. And be it further enacted, That no fee shall be taken for any certifi-  
2 cate to be issued or granted pursuant to this act.

1 SEC. 43. And be it further enacted, That, if any of the said inspectors, or other  
2 officers of inspection, shall neglect to perform any of the duties hereby enjoined  
3 upon them, respectively, according to the true intent and meaning of this act,  
4 whereby any person or persons shall be injured or suffer damage, such person or  
5 persons shall and may have an action founded upon this act, against such inspec-  
6 tor, or other officers, and shall recover full damages for the same, together with  
7 costs of suit.

1 SEC. 44. And be it further enacted, That any action or suit to be brought  
2 against any person, or persons, for any thing by him or them done, in pursuance  
3 of this act, shall be commenced within three months next after the matter or  
4 thing done, and shall be laid in the proper county in which the cause of action  
5 shall have arisen; and the defendant, or defendants, in any such action or suit,  
6 may plead the general issue, and on the trial thereof give this act and the special  
7 matter in evidence; and if a verdict shall pass for the defendant or defendants, or  
8 the plaintiff or plaintiffs become nonsuited, or discontinue his, her, or their ac-  
9 tion or prosecution, or judgment shall be given against such plaintiff or plain-  
10 tiffs, upon demurrer or otherwise, then such defendant, or defendants, shall have  
11 costs awarded to him, her, or them, against such plaintiff, or plaintiffs

1 SEC. 45. And in order that all persons who may have incurred any of the penal-  
2 ties of this act, without wilful negligence or intention of fraud, may be relieved  
3 from such penalties:

4 Be it further enacted, That it shall be lawful for the judge of the district with-  
5 in which such penalty or forfeiture shall have been incurred, upon petition of the  
6 party who shall have incurred the same, to inquire, in a summary manner, into the  
7 circumstances of the case, first causing reasonable notice to be given to the person  
8 or persons claiming such penalty or forfeiture, and to the attorney of such district;  
9 to the end that each may have an opportunity of shewing cause against the mitiga-  
10 tion or remission thereof: and if, upon such inquiry, it shall appear to the said  
11 judge, that such penalty or forfeiture was incurred without wilful negligence, or  
12 any design or intention of fraud, it shall be lawful for him to remit the same, and to  
13 cause any spirits which may have been seized to be restored to the proprietor, or  
14 proprietors, upon such terms and conditions as shall appear to him reasonable. And  
15 the decision of the judge, (if the terms and conditions prescribed by him be com-  
16 plied with,) shall be conclusive to the parties: Provided, that such penalty, or the  
17 value of the spirits forfeited, does not exceed five hundred dollars; but, if the a-  
18 mount of such penalty, or forfeiture, exceed five hundred dollars, the person or  
19 persons claiming the same may, within three days after such decision shall be  
20 pronounced, appeal from the same to the circuit court of the district; which court  
21 shall summarily hear the parties, and either confirm or reverse the decision of the  
22 district judge, as shall appear to them proper: Provided, always, that, after the first  
23 day of July, in the year one thousand seven hundred and ninety-two, such remis-  
24 sion shall in no case exceed one half the penalty, or half the spirits forfeited, or  
25 the value thereof.

1     SEC. 46. And be it further enacted, That the one half of all penalties and for-  
2     feitures, incurred by virtue of this act, except as above provided, shall be for the  
3     benefit of the person or persons who shall make a seizure, or who shall first dis-  
4     cover the matter or thing whereby the same shall have been incurred, and the  
5     other half to the use of the United States. And such penalty and forfeiture shall  
6     be recoverable, with costs of suit, by action of debt, in the name of the person or  
7     persons entitled thereto, or by information in the name of the United States of  
8     America; and it shall be the duty of the attorney of the district wherein any such  
9     penalty or forfeiture may have been incurred, upon application to him, to institute  
10    or bring such information accordingly: Provided, always, That no officer of in-  
11    spection, other than chief officer, or officers of a district, shall be entitled to the  
12    benefit of any forfeiture, unless notice of the seizure, by him made, shall be by  
13    him given within forty-eight hours next after such seizure, to the said chief offi-  
14    cer or officers; but, in such case, the United States shall have the entire benefit  
15    of such forfeiture.

1     SEC. 47. And be it further enacted, That, if any person or persons shall coun-  
2     terfeit or forge, or cause to be counterfeited or forged, any of the certificates  
3     hereinbefore directed to be given, or shall knowingly or willingly accept or re-  
4     ceive any false or untrue certificate with any of the said spirits, or shall fraudu-  
5     lently alter or erase any such certificate, after the same shall be given, or know-  
6     ingly or willingly publish or make use of such certificate so counterfeited, forged,  
7     false, untrue, altered, or erased, every person so offending shall, for each and  
8     every offence, severally forfeit and pay the sum of five hundred dollars.

1     SEC. 48. And be it further enacted, That any person, or persons, that shall be  
2     convicted of wilfully taking a false oath, or affirmation, in any of the cases in  
3     which oaths or affirmations are required to be taken, by virtue of this act, shall  
4     be liable to the pains and penalties to which persons are liable for wilful and cor-  
5     rupt perjury.

1     SEC. 49. And be it further enacted, That, if any person or persons shall give,  
2     or offer to give, any bribe, recompence, or reward, whatsoever, to any inspector,  
3     or officer of inspection, of the revenue, in order to corrupt, persuade, or prevail,  
4     upon such officer, either to do any act or acts contrary to his duty in the execu-  
5     tion of this act; or to neglect, or omit to do, any act or thing which he ought to do  
6     in the execution of this act; or to connive at, or to conceal, any fraud or frauds  
7     relating to the duties hereby imposed on any of the said spirits, or not to discover  
8     the same, every such person or persons shall, for such offence, whether the same  
9     offer or proposal be accepted or not, forfeit and pay a sum not exceeding five  
10    hundred dollars.

1     SEC. 50. And be it further enacted, That, if any person or persons shall forc-  
2     ibly obstruct or hinder any inspector, or officer of inspection, in the execution of  
3     this act, or of any of the powers or authorities hereby vested in him, or shall forc-  
4     ibly rescue, or cause to be rescued, any of the said spirits, after the same shall have  
5     been seized by any such inspector or officer, or shall attempt or endeavor so to  
6     do, all and every person and persons, so offending, shall, for every such offence,  
7     for which no other penalty is particularly provided by this act, forfeit and pay a  
8     sum not exceeding two hundred dollars.

1     SEC. 51. And be it further enacted, That, if any such inspector, or officer, shall  
2     enter into any collusion with any person, or persons, for violating or evading any  
3     of the provisions of this act, or the duties hereby imposed; or shall fraudulently  
4     concur in the delivery of any of the said spirits out of any house, building,  
5     or place, wherein the same are deposited, without payment, or security for the  
6     payment, of the duties thereupon; or shall falsely, or fraudulently, mark any cask,  
7     case, or vessel, contrary to any of the said provisions; or shall embezzle the pub-  
8     lic money, or otherwise be guilty of fraud in his office; such inspector or officer  
9     shall, for every such offence, forfeit the sum of one thousand dollars; and, upon  
10    conviction of any of the said offences, shall forfeit his office, and shall be disquali-  
11    fied from holding any other office under the United States.

1     SEC. 52. And be it further enacted, That it shall be lawful for the inspectors  
2     of the revenue, and, when requested by any such dealer, they are hereby requir-  
3     ed to provide blank certificates, in such form as shall be directed by the Secreta-  
4     ry of the Treasury, and, in the cases in which certificates are hereby directed to  
5     be issued or granted by the said dealers, to furnish them therewith the blanks in  
6     which certificates shall be filled up by such dealers, according to the nature and  
7     truth of each particular case, subject to the penalty heretofore declared for



8 granting or using false or untrue certificates. And every such dealer shall, from  
9 time to time, when thereunto requested, account with such inspectors, respec-  
10 tively, for the number of certificates received by him, and for the disposition of  
11 such of them as may have been disposed of, and shall produce and shew the resi-  
12 due thereof to the said inspector; and shall pay, for every certificate for which  
13 he cannot satisfactorily account, the sum of fifty cents.

1 SEC. 53. And be it further enacted, That, in every case in which an oath or  
2 affirmation is required by virtue of this act, it shall be lawful for the inspectors of  
3 the revenue, or any of them, or their lawful deputy, or the lawful deputy of one  
4 of them, where not more than one in a district, to administer and take such oath  
5 or affirmation; and that, wherever there are more than one inspector for one  
6 district, a majority of them may execute all and any of the powers and authori-  
7 ties hereby vested in the inspectors of the revenue: Provided, That this shall not  
8 be construed to make a majority necessary in any case in which, according to the  
9 nature of the appointment or service, and the true intent of this act, the authority  
10 is, or ought to be, several.

1 SEC. 54. And, for the encouragement of the export trade of the United States,  
2 Be it further enacted, That, if any of the said spirits (whereupon any of the  
3 duties imposed by this act shall have been paid or secured to be paid) shall, after  
4 the last day of June next, be exported from the United States to any foreign  
5 port or place, there shall be an allowance to the exporter or exporters thereof,  
6 by way of drawback, equal to the duties thereupon, according to the rates in each  
7 case by this act imposed, deducting therefrom half a cent. per gallon, and, adding  
8 to the allowance upon spirits distilled within the United States, from molasses,  
9 which shall be so exported, three cents per gallon, as an equivalent for the duty  
10 laid upon molasses, by the said act making further provision for the payment of  
11 the debts of the United States: Provided, always, That the said allowance shall  
12 not be made, unless the said exporter, or exporters, shall observe the regulations  
13 hereinafter prescribed: And provided, further, That nothing herein contained  
14 shall be construed to alter the provisions in the said former act, concerning draw-  
15 backs or allowances, in nature thereof, upon spirits imported prior to the first  
16 day of July next.

1 SEC. 55. And be it further enacted, That, in order to entitle the said exporter,  
2 or exporters, to the benefit of the said allowance, he, she, or they, shall, previous  
3 to putting or lading any of the said spirits on board of any ship or vessel for expor-  
4 tation, give twenty-four hours notice, at the least, to the proper officer of inspec-  
5 tion of the port from which the said spirits shall be intended to be exported, of  
6 his, her, or their intention, to export the same, and of the number of casks and  
7 cases, or either of them, containing the said spirits so intended to be exported,  
8 and of the respective marks thereof, and of the place or places where the said  
9 spirits shall be then deposited, and of the place to which, and ship or vessel in  
10 which, they shall be so intended to be exported: whereupon, it shall be the duty  
11 of the said officer to inspect, by himself or deputy, the casks and cases so notic-  
12 ed for exportation, and the quantities, kinds, and proofs, of the spirits therein;  
13 together with the certificates which ought to accompany the same, according to  
14 the directions of this act, which shall be produced to him for that purpose; and,  
15 if he shall find that the said casks and cases have the proper marks, according to  
16 the directions of this act, and that the spirits therein correspond with the said  
17 certificates, he shall, thereupon, brand each cask or case with the word "Expor-  
18 tation;" and the said spirits shall, after such inspection, be laden on board the  
19 same ship or vessel of which notice shall have been given, and in the presence  
20 of the same officer who shall have examined the same, and whose duty it shall be  
21 to attend for that purpose. And, after the said spirits shall be laden on board  
22 such ship or vessel, the certificates aforesaid shall be delivered to the said officer,  
23 who shall certify, to the collector of the said district, the amount and particulars  
24 of the spirits so exported, and shall also deliver the said certificates, which  
25 shall have been by him received, to the said collector, which shall be a voucher  
26 to him for payment of the said allowance.

1 SEC. 56. Provided, nevertheless, and be it further enacted, That the said al-  
2 lowance shall not be made, unless the said exporter, or exporters, shall make  
3 oath, or affirmation, that the said spirits, so noticed for exportation, and laden on  
4 board such ship or vessel, are truly intended to be exported to the place whereof  
5 notice shall have been given, and are not intended to be reloaded within the  
6 United States; and that he or she doth verily believe that the duties, thereupon

7 charged by this act, have been duly paid; and shall also give bond to the collec-  
8 tor, with two sureties, one of whom shall be the master, or other person having  
9 the command or charge of the ship or vessel, in which the said spirits shall be in-  
10 tended to be exported; the other, such sufficient person as shall be approved by  
11 the said collector, in the full value, in the judgment of the said collector, of the  
12 said spirits so intended to be exported; with condition that the said spirits (the  
13 dangers of the seas and enemies excepted) shall be really and truly exported to,  
14 and landed in, some port or place without the limits of the United States, accord-  
15 ing to the late treaty of peace with Great Britain; and that the said spirits shall  
16 not be unshipped from on board of the said ship or vessel, whereupon the same  
17 shall have been laden for exportation, within the said limits, or any ports or har-  
18 bors of the United States, or reloaded in any other part of the same (shipwreck,  
19 or other unavoidable accident, excepted.)

1 SEC. 57. Provided, also, and be it further enacted, That the said allowance shall  
2 not be paid until six months after the said spirits shall have been so exported:  
3 And provided, also, that, whenever the owner of any ship or vessel, on board of  
4 which any such spirits are laden for exportation, shall make known to the collec-  
5 tor, previous to the departure of such ship, or vessel, from the port where such  
6 spirits are laden, that such ship, or vessel, is not going to proceed the voyage in-  
7 tended, or the voyage is altered, it shall be lawful for the collector to grant a  
8 permit for the re-landing the same.

1 SEC. 58. And be it further enacted, That, if any of the said spirits, after the  
2 same shall have been shipped for exportation, shall be unshipped for any purpose  
3 whatever, either within the limits of any part of the United States, or within four  
4 leagues of the coast thereof, or shall be re-landed within the United States, from  
5 on board the ship or vessel wherein the same shall have been laden for exporta-  
6 tion, unless the voyage shall not be proceeded on, or shall be altered as aforesaid,  
7 or unless, in case of necessity, or distress, to save the ship and goods from perishing,  
8 which shall be immediately made known to the principal officer of the customs re-  
9 siding at the port nearest to which such ship, or vessel, shall be at the time such  
10 necessity or distress shall arise; then, not only the spirits so unshipped, together  
11 with the casks and cases containing the same, but, also, the ship, or vessel in, or on  
12 board which the same shall have been so shipped or laden, together with her  
13 guns, furniture, ammunition, tackle, and apparel; and, also, the ship, vessel, or  
14 boat, into which the said spirits shall be unshipped or put, after the unshipping  
15 thereof, together with her guns, furniture, ammunition, tackle, and apparel, shall  
16 be forfeited, and may be seized by any officer of the customs, or of inspection,  
17 unless the voyage shall not be proceeded on, or be altered as aforesaid.

1 SEC. 59. And be it further enacted, That the said allowance shall not be made  
2 when the said spirits shall be exported in any other than a ship, or vessel, of the  
3 burthen of thirty tons and upwards, to be ascertained to the satisfaction of the  
4 collector of the district from which the same shall be intended to be exported.

1 SEC. 60. And be it further enacted, That the bonds to be given as aforesaid  
2 shall, and may be discharged by producing, within one year from the respective  
3 dates thereof, (if the same be shipped to any part of Europe or America, and  
4 within two years if shipped to any part of Asia or Africa, and if the delivery of the  
5 spirits in respect to which the same shall have been given, be at any place where  
6 a consul, or other agent of the United States, resides,) a certificate of such con-  
7 sul or agent, and if there be no such consul, or agent, then a certificate of any two  
8 known and reputable American merchants residing at the said place; and, if  
9 there be not two such merchants residing at the said place, then a certificate of  
10 any other two reputable merchants, testifying the delivery of the said spirits at  
11 the said place. Which certificate shall in each case be confirmed by the oath or  
12 affirmation of the master and mate, or other like officer, of the vessel in which  
13 the said spirits shall have been exported; and when such certificate shall be from  
14 any other than a consul, or agent, or merchants of the United States, it shall be a  
15 part of the said oath, or affirmation, that there were not, upon diligent inquiry,  
16 to be found two merchants of the United States at the said place: Provided, al-  
17 ways, that, in the case of death, the oath or affirmation of the party dying shall  
18 not be deemed necessary: And provided further, that the said oath or affirma-  
19 tion, taken before the chief civil magistrate of the place of the said delivery, and  
20 certified under his hand and seal, shall be of the same validity as if taken before  
21 a person qualified to administer oaths within the United States; or such bonds  
22 shall and may be discharged upon proof that the spirits so exported were taken



23 by enemies, or perished in the sea, or were destroyed by fire; the examination  
24 and proof of the same being left to the judgment of the collector of the customs,  
25 naval officer, and chief officer of inspection, or any two of them, of the place from  
26 which such spirits shall have been exported. And in cases where the certificates  
27 herein directed cannot be obtained, the exporter or exporters of such spirits shall  
28 nevertheless be permitted to offer such other proof, as to the delivery of the said  
29 spirits, without the limits of the United States, as he or they may have; and if  
30 the same shall be deemed sufficient by the said collector, he shall allow the same,  
31 except when the drawback to be allowed shall amount to one hundred dollars or  
32 upwards: in all which cases the proofs aforesaid shall be referred to the comp-  
33 troller of the treasury, whose decision thereon shall be final.

1 SEC. 61. And be it further enacted, That the prosecution for all fines, penal-  
2 ties, and forfeitures, incurred by force of this act, and for all duties payable in vir-  
3 tue thereof, and which shall not be duly paid, shall and may be had before any  
4 justice of the peace, or court of any state of competent jurisdiction, or court of  
5 the United States of the district in which the cause of action shall arise, with an  
6 appeal, as in other cases: Provided, that where the cause of action shall exceed  
7 in value fifty dollars, the same shall not be cognizable before a justice of the  
8 peace only.

1 SEC. 62. And be it further enacted, That this act shall commence and take  
2 effect as to all matters therein contained, in respect to which no special com-  
3 mencement is hereby provided (except as to the appointment of officers and re-  
4 gulation of the districts) from and immediately after the last day of June next.

1 SEC. 63. And be it further enacted, That the net product of the duties herein  
2 before specified, which shall be raised, levied, and collected, by virtue of this act,  
3 or so much thereof as may be necessary, shall be, and they are hereby, pledged  
4 and appropriated for the payment of the interest of the several and respective  
5 loans which had been made in foreign countries, prior to the fourth day of Au-  
6 gust last; and, also, upon all and every the loan and loans which have been made  
7 and shall be made and obtained pursuant to the act, entitled "An act making  
8 provision for the debt of the United States;" and, according to the true intent  
9 and meaning of the said act, and of the several provisions and engagements there-  
10 in contained and expressed, and subject to the like priorities and reservations as  
11 are made and contained in and by the said act, in respect to the moneys therein  
12 appropriated, and subject to this further reservation, that is to say; of the net  
13 amount or product during the present year, of the duties laid by this act, in addi-  
14 tion to those heretofore laid upon spirits imported into the United States, from  
15 any foreign port or place, and of the duties laid by this act on spirits distilled  
16 within the United States, and on stills; to be disposed of in the first place to the  
17 discharge of the debts of the United States, arising since the first day of Septem-  
18 ber last, and unprovided for by any prior appropriations; and the residue to be  
19 applied towards sinking the principal of the stock and loans above mentioned.—  
20 And to the end that the said moneys may be inviolably applied in conformity to  
21 the appropriation hereby made, and may never be diverted to any other purpose  
22 until the final redemption or reimbursement of the loans or sums for the payment  
23 of the interest whereof they are appropriated, an account shall be kept of the re-  
24 ceipts and disposition thereof, separate and distinct from the product of any oth-  
25 er duties, impost, excise, and taxes whatsoever, except those heretofore laid and  
26 appropriated to the same purposes: Provided, always, that nothing herein con-  
27 tained shall be construed to prevent the Legislature of the United States from  
28 substituting other duties or taxes of equal value to any or all of the said duties  
29 and imposts.

1 SEC. 64. And be it further enacted, That the unappropriated surplus, if any  
2 there shall be, of the revenue arising under this act, at the end of each year,  
3 shall be applied to the reduction of the public debt, in like manner as is directed  
4 by the act, entitled "An act making provision for the reduction of the public  
5 debt;" and provided by the act, entitled "An act making provision for the debt  
6 of the United States;" unless the said surplus, or any part thereof, shall be requir-  
7 ed to the public exigencies of the United States, and shall, by special acts of Con-  
8 gress, be appropriated thereto.

1 SEC. 65 And be it further enacted, That the several duties imposed by this  
2 act shall continue to be collected and paid until the debts and purposes for which  
3 they are pledged and appropriated shall be fully discharged and satisfied, and no  
4 longer.

"January 27th, 1791, passed the House of Representatives."

January 28th, 1791, before the Senate for concurrence:

On motion to expunge the sixty-fifth section;

It passed in the negative.

On motion "to amend the thirteenth section, line 6th, by expunging eleven, and inserting eight; and that in the fourteenth section, in the 6th line, the word "*nine*," be struck out, and "*six*" inserted; and that the duties proposed to be raised by this bill from spirits distilled in the United States, be conformed to this ratio in the different grades mentioned in the bill, keeping the same rate of difference in each;"

It passed in the negative.

On motion "to amend section thirteenth, line 6th, by striking out eleven, and inserting nine;"

It passed in the negative.

On motion "to amend section first, line 9th, by inserting *one* between twenty and cents, and to make a proportionable addition upon all the different grades of imported spirits mentioned in the bill; and in like proportion to reduce the duty on distilled spirits manufactured within the United States;"

It passed in the negative.

*Ordered*, That the fourth section of the bill be recommitted for further amendment.

The Senate adjourned to 11 o'clock to-morrow.

### FRIDAY, FEBRUARY 11, 1791.

The Senate assembled: present as yesterday.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act authorizing the President of the United States to cause the debt due to foreign officers to be paid and discharged;"

Also, the bill, entitled "An act to continue in force, for a limited time, an act passed at the first session of Congress, entitled 'An act to regulate processes in the courts of the United States;' in which they desire the concurrence of the Senate.

I am directed to inform the Senate, that the President of the United States has notified the House of Representatives, that he has, this day, approved and signed "An act making appropriations for the support of government during the year one thousand seven hundred and ninety-one, and for other purposes." And he withdrew.

The Senate proceeded to the first reading of the bill sent from the House of Representatives for concurrence, as follows:

An act to continue in force, for a limited time, an act passed at the first session of Congress, entitled "An act to regulate processes in the courts of the United States."

- 1 Be it enacted by the Senate and House of Representatives of the United States
- 2 of America in Congress assembled, That an act passed on the twenty-ninth day
- 3 of September, in the year one thousand seven hundred and eighty-nine, entitled,
- 4 "An act to regulate processes in the courts of the United States," shall be, and
- 5 the same hereby is, continued in force until the end of the next session of Con-
- 6 gress, and no longer.

1791, Feb. 11. Passed the House of Representatives.

*Ordered*, That this bill pass to the second reading.

The Senate proceeded to the first reading of the bill sent from the House of Representatives for concurrence, as follows:

An Act authorizing the President of the United States to cause the debt due to foreign officers to be paid and discharged.

- 1 Be it enacted by the Senate and House of Representatives of the United States
- 2 of America in Congress assembled, That the President of the United States be,
- 3 and he hereby is, requested to cause the debt, including principal and interest,
- 4 due by the United States to the officers of the late army thereof, the interest,
- 5 whereof is payable in Paris, in the kingdom of France, to be paid and discharged
- 6 out of any moneys which shall have been borrowed pursuant to the second sec-
- 7 tion of the act, entitled "An act making provision for the debt of the United
- 8 States:" Provided, that such payment do not, in anywise, interfere with the pur-
- 9 poses therein specified and provided for.

1791, Feb. 11. Passed the House of Representatives.



*Ordered*, That this bill pass to the second reading.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed the bill, entitled "An act to alter the time of the next meeting of Congress;" in which they desire the concurrence of the Senate. And he withdrew.

The Senate proceeded to the first reading of the bill sent from the House of Representatives for concurrence, as follows:

An Act to alter the time of the next meeting of Congress.

- 1 Be it enacted by the Senate and House of Representatives of the United States
- 2 of America in Congress assembled, That, after the close of the present session
- 3 of Congress, the next meeting shall be on the first Monday of November next.

1791, Feb. 11. Passed the House of Representatives.

*Ordered*, That this bill pass to the second reading.

"The bill for the admission of the state of Vermont into this Union" was read the second time; and,

On motion, it was agreed that the second section should be expunged.

*Ordered* That this bill pass to the third reading.

On motion, it was agreed, by unanimous consent, to dispense with the rule, so far as to permit Mr. King, at this time, to bring in "a bill regulating the number of representatives to be chosen by the states of Kentucky and Vermont;" which bill was read the first time, as follows:

An act regulating the number of Representatives to be chosen by the states of Kentucky and Vermont.

- 1 Be it enacted by the Senate and House of Representatives of the United States
- 2 of America in Congress assembled, That, until the Representatives in Congress
- 3 shall be apportioned according to an actual enumeration of the inhabitants of the
- 4 United States, the states of Kentucky and Vermont shall each be entitled to
- 5 choose two representatives.

It was agreed, by unanimous consent, that the rule be so far dispensed with, as that this bill be now read the second time.

*Ordered*, That this bill pass to the third reading.

Mr. Morris reported, from the committee instructed to consider the fourth section of the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same," a further amendment; and the report was adopted.

*Ordered*, That the report and the bill be recommitted, and that the committee be instructed to conform the bill to the several amendments agreed on.

The Senate adjourned to 11 o'clock to-morrow.

### SATURDAY, FEBRUARY 12, 1791.

The Senate assembled: present as yesterday.

And, agreeably to the order of the day, proceeded to the third reading of the bill "for the admission of the state of Vermont into this Union."

*Resolved*, That this bill do pass, and that the title of it be "An act for the admission of the state of Vermont into this Union."

*Ordered*, That the Secretary carry this bill to the House of Representatives, and desire concurrence therein.

The Senate proceeded to the third reading of the "bill regulating the number of Representatives to be chosen by the states of Kentucky and Vermont."

*Resolved*, That this bill do pass, and that the title thereof be "An act regulating the number of Representatives to be chosen by the states of Kentucky and Vermont."

*Ordered*, That the Secretary carry this bill to the House of Representatives and desire concurrence therein.

The Senate proceeded to the consideration of the report of the joint committee appointed "to confer on and report what time will be proper for the commencement of the next session of Congress;" and,

*Ordered*, That the further consideration hereof be postponed to this day se'nnight.

The resolution of the House of Representatives of the 28th January, on the report of the joint committee on this subject, was read.

*Ordered*, That the consideration thereof be postponed to the same time.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they had exam-

ined the enrolled bill, entitled, "An act to incorporate the subscribers to the bank of the United States," and that it was correct.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate, for the signature of the Vice President. And he withdrew.

The Vice President signed the enrolled bill, entitled "An act to incorporate the subscribers to the bank of the United States," and it was delivered to the Committee on Enrolled Bills, to be laid before the President of the United States for his approbation.

The bill, entitled "An act to alter the time of the next meeting of Congress," was read the second time; and,

*Ordered,* That the further consideration hereof be postponed to this day se'nnight.

The bill, entitled "An act authorizing the President of the United States to cause the debt due to foreign officers to be paid and discharged," was read the second time; and,

*Ordered,* That this bill be committed to Messrs. Maclay, Dickinson, and Wingate, to consider and report what is proper to be done thereon.

The bill, entitled "An act to continue in force, for a limited time, an act passed at the first session of Congress, entitled 'An act to regulate processes in the courts of the United States,'" was read the second time.

*Ordered,* That this bill pass to the third reading.

Mr. Morris reported, from the committee to whom was recommitted the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same."

On motion, "that the rates of duties on imported spirits be so increased as that the sums payable on imported spirits shall be one third higher than the duties payable on spirits of similar proof distilled within the United States from foreign materials;"

It passed in the negative.

On the question, shall this bill pass as amended? the yeas and nays were required by one-fifth of the Senators present:

**YEAS.**—Messrs. Bassett, Butler, Carroll, Dickinson, Ellsworth, Elmer, Few, Hawkins, Henry, Johnson Johnston, Izard, King, Langdon, Monroe, Morris, Read, Schuyler, Stanton, and Wingate.—20.

**NAYS.**—Messrs. Dalton, Foster Gunn, Maclay, and Strong.—5.

So it was,

*Resolved,* That this bill pass, with the following amendments:

Sec. 3. Line 3d, after "fifty," insert "and shall not amount to more than five hundred."

Lines 5, 6, expunge "of one moiety thereof in three months, and the other moiety thereof in six months," and substitute "thereof in four months; and if the amount of the said duties shall exceed five hundred dollars, the same may be immediately paid or secured by bond, with condition for the payment thereof in six months."

Line 6, after "bond," insert "in either case."

Line 15, expunge from the word "made," to the word "shall," in the 17th line, and substitute "and if, at the expiration of the time mentioned in the bond for the payment of the duties thereby intended to be secured, the same shall not be paid, then the said deposited spirits."

Line 23, expunge from the word "Representatives," to the end of the section.

Sec. 4. Expunge the whole section, and substitute—

"In order to a due collection of the duties imposed by this act, Be it further enacted, That the United States shall be divided into thirteen districts, each consisting of one state, but subject to alterations by the President of the United States, from time to time, by adding to the smaller such portion of the greater, as shall in his judgment best tend to secure and facilitate the collection of the revenue: which districts it shall be lawful for the President of the United States to subdivide into surveys of inspection, and the same to alter at his discretion.

"That the President be authorised to appoint, with the advice and consent of the Senate, a supervisor to each district, and as many inspectors to each survey therein as he shall judge necessary, placing the latter under the direction of the former: Provided, always, that it shall and may be lawful for the President, with the advice and consent of the Senate, in his discretion, to appoint such, and so many, officers of the customs to be inspectors, in any survey of inspection, as he shall deem advisable to employ in the execution of this act: Provided, also, that where, in the judgment of the President, a



supervisor can discharge the duties of that office, and also that of inspector, he may direct the same: And provided further, that, if the appointment of the inspectors of surveys, or any part of them, shall not be made during the present session of Congress, the President may, and he is hereby empowered to make such appointments, during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

Sec. — And be it further enacted, That the supervisors, inspectors, and officers, to be appointed by virtue of this act, and who shall be charged to take bonds for securing the payment of the duties upon spirits distilled within the United States, and with the receipts of moneys in discharge of such duties, shall keep fair and true accounts and records of their transactions in their respective offices, in such manner and form as may be directed by the proper department or officer having the superintendence of the collection of the revenue, and shall at all times submit their books, papers, and accounts, to the inspection of such persons as are or may be appointed for that purpose: and shall at all times pay to the order of the officer who is or shall be authorized to direct the payment thereof, the whole of the moneys which they may respectively receive by virtue of this act; and shall also, once in every three months, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it is or shall be to make such settlement.

Sec. — And be it further enacted, That all officers and persons to be appointed pursuant to this act, before they enter on the duties of their respective offices, shall take an oath, or affirmation, diligently and faithfully to execute the duties of their said offices, respectively, and to use their best endeavors to prevent and detect frauds, in relation to the duties on spirits imposed by this act: which oath or affirmation may be taken before any magistrate authorised to administer oaths, within the district or survey to which he belongs, and being certified under the hand and seal of the magistrate by whom the same shall have been administered, shall, within three months thereafter, be transmitted to the Comptroller of the Treasury; in default of taking which oath or affirmation, the party failing shall forfeit and pay two hundred dollars to the use of the United States, to be recovered with costs of suit.

Sec. 5. Line 1, expunge 'inspector or inspectors;' substitute 'supervisor.'

Sec. 6. Lines 5, 6, after the word 'to,' insert 'one of;' add 's' to 'inspector.'

Line 6, expunge 'or other chief officer of inspection.'

Sec. 7. Line 7, expunge 'inspector of the revenue or other.'

Sec. 8. Line 7, expunge 'proper.'

Line 7, after 'inspection,' insert 'to whom report was made.'

Line 9, after 'certified,' insert 'or reported.'

Lines 11, 12, expunge 'without fee or charge.'

Sec. 10. Lines 3, 4, and 12, after 'casks,' insert 'vessels.'

Line 12, after 'each,' expunge to the end of the section, and substitute 'and if such officer is not the chief inspector within the survey, he shall, as soon as may be thereafter, make an exact transcript of each entry, and deliver the same to such chief inspector, who shall keep a like book for recording the said transcripts.'

Sec. 11. Lines 1, 2, expunge 'inspector of the revenue or other.'

Lines 8, 9, expunge 'inspector or other chief; also, expunge 'of inspection.'

Line 12, expunge 'of inspection.'

Line 14, after 'particularly,' insert 'as.'

Sec. 12. Expunge the whole section.

Sec. 16. Line 8, before 'officer,' insert 'chief.'

Sec. 17. Line 1, expunge from the word 'the,' to the word 'who,' in the 3d line, and substitute 'supervisor of each district shall appoint proper officers to have the charge and survey of the distilleries within the same, assigning to each one or more distilleries as he may think proper.'

Sec. 18. Line 2, expunge 'of inspection,' and, after 'whose,' insert 'charge and.'

Line 19. After 'tackling,' insert 'and the vessel or boat, with its tackle and apparel.'

Sec. 19. At the end of the section, add, 'except by consent and in presence of the officer having the charge and survey thereof, on pain of forfeiture of such spirits, or the value thereof, at the highest price in the market; to be recovered, with costs of suit, from the acting owner or manager of such distillery.'

Sec. 22. Line 2, expunge 'inspector of the revenue who;' substitute 'supervisor.'

Line 3, after 'district,' insert 'who.'

Line 10, expunge 'inspector or inspectors;' substitute 'supervisors.'

Sec. 23. Line 3, expunge 'or on a paper.'

Line 6, expunge 'or paper.'

Line 6, expunge 'proper.'

Line 13, expunge 'or paper.'

Sec. 24. Line 2, expunge from the preamble, after the word 'imposed,' and also the whole section; and, after the said word 'imposed,' add 'on spirits distilled within the United States.'

Sec. 25. Line 5, expunge 'and.'

Line 2, expunge 'within any city, town, or village,' and substitute 'from molasses, sugar, or other foreign materials, or from materials the growth or production of the United States.'

Line 14, expunge 'within any city, town, or village.'

Line 22, expunge 'inspector;' substitute 'supervisor.'

Line 25, expunge 'dealers in or.'

Line 34, after the word 'aforesaid,' expunge to the end of the section.

Sec. 26. Line 1, expunge 'inspector or inspectors;' substitute 'supervisor.'

Lines 5, 6, expunge 'or their.'

Line 9, expunge 'dealer or.'

Line 11, after 'stock,' expunge the remainder of the section, and substitute 'and the inspector of each survey shall keep a book, wherein he shall enter the name of every distiller, and the particulars of such old stock in the possession of each, designating the several casks, cases, and vessels containing the same, and their respective quantities, kinds, proofs, and marks; and shall also give a certificate to every such distiller, of the quantity and particulars of such old stock in his or her possession, and a separate certificate for each cask, case, or vessel, describing the same; which certificate shall accompany the same wheresoever it shall be sent. And such distiller, his or her agent or manager, upon the sale and delivery of any of the said spirits, shall deliver to the purchaser or purchasers thereof the certificate or certificates that ought to accompany the same, on pain of forfeiting fifty dollars for each cask, case, or vessel, with which such certificate shall not be delivered.'

Sec. 27. Line 4, expunge 'within whose district;' substitute 'at the port where.'

Line 5, expunge from the word 'herein,' to the word 'and,' in the 10th line, and substitute 'before directed, touching such spirits as shall be in the possession of distillers on the first day of July next, and shall grant the like certificates therefor as for such spirits; which certificates shall accompany the respective casks, cases, and vessels, to which they shall relate, wheresoever they shall be sent; and such importer, his or her agent, upon the sale and delivery of any of the said spirits, shall deliver, to the purchaser or purchasers thereof, the certificate or certificates which ought to accompany the same, on pain of forfeiting fifty dollars for each cask, case, or vessel, with which such certificate shall not be delivered.'

Sec. 28. Expunge the whole section.

Sec. 29. Line 1, expunge from the word 'any,' to the word 'it,' in the 3d line, and substitute 'cask, case, or vessel, containing distilled spirits, which, by the foregoing provisions of this act, ought to be marked and accompanied with a certificate, shall be found in the possession of any person, unaccompanied with such marks and certificate.'

Sec. 30. Line 2, expunge 'district,' substitute 'survey.'

Line 4, expunge 'by the said wholesale dealers.'

Sec. 31. Expunge the whole section.

Sec. 33. Line 2, expunge 'dealer or.'

Line 6, expunge 'dealer,' substitute 'distiller.' At the end of the section, add, 'Provided, that nothing in this section contained shall be construed to extend to casks or vessels capable of containing two hundred gallons and upwards, and which are not intended to be removed.'

Sec. 34. Lines 9, 10, expunge 'in the presence of a constable or other officer of the peace.'

Sec. 35. Line 2, after 'liquors,' insert 'except gin or cordials in cases, jugs, or bottles.'

Line 9, expunge 'such.'

Sec. 37. Line 1, expunge 'dealer by wholesale, or.'

Line 5, expunge 'or on a paper.'

Line 9, expunge 'and papers.'

Lines 10, 11, expunge 'dealers and;' expunge 'inspectors,' substitute 'supervisors.'

Line 17, expunge 'and papers.'

Line 18, expunge 'dealers and.'

Line 19, expunge 'and papers.'



Line 20, expunge 'dealers and.'

Line 22, expunge 'dealers and.'

Lines 23, 24, expunge 'dealer or.'

Line 24, expunge 'paper or papers.'

Sec. 39. Line 5, expunge 'which words may be expressed by their respective initials.'

Sec. 40. Line 2, expunge 'inspector,' insert 'supervisor.'

Line 9, expunge 'inspector,' substitute 'officer.'

Line 18, expunge 'or other.'

At the end of the section, add, 'And provided also, That if it shall appear from the verdict of the jury, that any such prejudice or waste was sustained by the negligence of the officer, he shall be responsible therefor to the United States.'

Sec. 41. Line 1, expunge 'inspector,' substitute 'supervisor.'

Sec. 43. Line 1, expunge 'inspector,' substitute 'supervisors.'

Sec. 44. Line 4, after the word 'and,' insert 'unless brought in a court of the United States.'

Line 4, expunge the word 'proper.'

Sec. 45. Line 1, expunge the word 'all.'

Line 5, after the word 'incurred,' insert 'at any time within one year after the last day of June next.'

Line 6, expunge 'manner,' insert 'way.'

Line 10, after the word 'thereof,' expunge to the end of the section, and substitute 'and shall cause the facts which shall appear upon such inquiry to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury of the United States, who shall thereupon have power to mitigate or remit such penalty or forfeiture, if it shall appear to him that such penalty or forfeiture was incurred without wilful negligence, or any design or intention of fraud, and to cause any spirits which may have been seized, to be restored to the proprietor or proprietors, upon such terms and conditions as shall appear to him reasonable.'

Sec. 46. Line 11, expunge 'district,' substitute 'survey.'

Sec. 49. Line 2, expunge 'inspector or,' substitute 'supervisor or other.'

Sec. 50. Line 1, expunge 'inspector or,' substitute 'supervisor or other.'

Line 5, the same amendment

Sec. 51. Line 1, expunge 'such inspector or,' substitute 'supervisor or other.'

Line 8, expunge 'inspector,' substitute 'supervisor or other.'

Sec. 52. Expunge the whole section.

Sec. 55. Line 6, after 'casks,' insert 'vessels.'

Line 11, the same.

Line 15, the same.

Line 17, after 'cask,' insert 'vessel.'

Sec. 56. Line 7, after 'paid,' insert 'or secured to be paid.'

Lines 14, 15, expunge 'according to the late treaty of peace with Great Britain.'

Sec. 58. Line 16, from the word 'inspection,' expunge the remainder of the section.

Sec. 61. Lines 3, 4, expunge 'any justice of the peace, or court of any state of competent jurisdiction or,' substitute the word 'the.' Expunge the proviso.

Sec. ——. After section 61, insert 'And be it further enacted, That it shall and may be lawful for the President, from time to time, to make such allowances to the said supervisors, inspectors, and to the deputies and officers by them to be appointed and employed, for their respective services in the execution of this act, to be paid out of the product of the said duties, as he shall deem reasonable and proper: Provided always, that the aggregate amount of the allowance to all the said supervisors, inspectors, deputies, and other officers, shall not exceed five per cent. of the said product computed throughout the United States; and such allowances shall continue to be paid until altered by law.'

Sec. 62. Line 4, after 'districts,' insert 'and surveys.'

Sec. 63. Line 3, expunge 'they are,' substitute 'is.'

Line 16, after the first word 'of,' expunge to the word 'and,' in the 19th line, and substitute 'towards such purposes for which appropriations shall be made during the present sessions.' Expunge the proviso, and add it to sixty-fifth section.

Sec. 64. Line 2, expunge 'each,' insert this and every succeeding.'

Line 7, expunge 'to,' insert 'for.'

The sections to be numbered to correspond with the amendments.

Ordered, That the Secretary carry this bill to the House of Representatives, and desire their concurrence in the amendments.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives have passed a bill, entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers." And he withdrew.

The bill was read the first time, as follows :

An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers.

1 Be it enacted by the Senate and House of Representatives of the United States  
2 of America in Congress assembled, That there shall be raised an additional regi-  
3 ment of infantry, which, exclusive of the commissioned officers, shall consist of  
4 nine hundred and twelve non-commissioned officers, privates, and musicians.

1 Sec. 2. And be it further enacted, That the said regiment shall be organized  
2 in the same manner as the regiment of infantry described in the act, entitled "An  
3 act for regulating the military establishment of the United States."

1 Sec. 3. And be it further enacted, That the troops aforesaid by this act to be  
2 raised, including the officers, shall receive the same pay and allowances, be sub-  
3 ject to the same rules and regulations, and be engaged upon the same conditions  
4 in all respects, excepting the bounty hereinafter mentioned, as are stipulated for  
5 the troops of the United States in the before mentioned act.

1 Sec. 4. And be it further enacted, That all non-commissioned officers, privates,  
2 and musicians, who have enlisted or shall enlist upon the terms prescribed in the  
3 aforesaid act, shall be entitled to receive six dollars as a bounty.

1 Sec. 5. And be it further enacted, That, for defraying the expense of the  
2 aforesaid additional troops, by this act to be raised, for the term of one year, there  
3 be appropriated a sum not exceeding one hundred and twenty thousand two hun-  
4 dred and seventy-six dollars and twenty cents, to be paid out of the moneys which,  
5 prior to the first day of January next, shall arise from the duties imposed by the  
6 act passed during the present session of Congress, entitled "An act repealing, af-  
7 ter the last day of June next, the duties heretofore laid upon distilled spirits im-  
8 ported from abroad, and laying others in their stead; and also upon spirits dis-  
9 tilled within the United States, and for appropriating the same."

1 Sec. 6. And be it further enacted, That, in case the President of the United  
2 States should deem the employment of a major general, brigadier general, a quar-  
3 termaster, and chaplain, or either of them, essential to the public interest, that  
4 he be, and he hereby is, empowered, by and with the advice and consent of the  
5 Senate, to appoint the same accordingly. And a major general so appointed may  
6 chuse his aid-de-camp, and a brigadier general his brigade major, from the cap-  
7 tains or subalterns of the line.

1 Sec. 7. And be it further enacted, That, in case a major general, brigadier ge-  
2 neral, quartermaster, aid-de-camp, brigade major, and chaplain, should be ap-  
3 pointed, their pay and allowances shall be, respectively, as herein mentioned. The  
4 major general shall be entitled to one hundred and twenty-five dollars monthly  
5 pay, twenty dollars allowance for forage, monthly, and for daily subsistence fifteen  
6 rations, or money in lieu thereof, at the contract price. The brigadier general  
7 shall be entitled to ninety-four dollars, monthly pay, with sixteen dollars allow-  
8 ance for forage, monthly, and for daily subsistence twelve rations, or money in lieu  
9 thereof, at the contract price. That the quartermaster shall be entitled to the  
10 same pay, rations, and forage, as the lieutenant colonel commandant of a regiment,  
11 That the aid-de-camp be entitled, including all allowances, to the same pay, ra-  
12 tions, and forage, as a major of a regiment. That the brigade major be entitled,  
13 including all allowances, to the same pay, rations, and forage, as a major of a re-  
14 giment. That the chaplain be entitled to fifty dollars per month.

1 Sec. 8. And be it further enacted, That if, in the opinion of the President, it  
2 will be conducive to the good of the service to engage a body of militia, to serve  
3 as cavalry, they furnishing their own horses, arms, and provisions, it shall be law-  
4 ful for him to offer such allowances to encourage their engaging in the service,  
5 for such time, and on such terms, as he shall deem it expedient to prescribe:  
6 Provided, That such allowances shall not exceed the sum hereinafter appro-  
7 priated.

1 Sec. 9. And be it further enacted, That, to enable the President, in virtue of  
2 the powers vested in him by law, to call into the service of the United States such  
3 number of the militia as he shall deem necessary for the public service, there be



4 appropriated a sum not exceeding one hundred and ninety-two thousand four  
5 hundred and ten dollars, as well to defray the expense of such militia, whether  
6 cavalry or infantry; or of such military operations as he may direct, and also of  
7 such posts as he may think it expedient to establish, to be paid out of the moneys  
8 which, prior to the first day of January next, shall arise from the duties imposed  
9 by the aforesaid act of the present session of Congress.

1 Sec. 10. Provided, nevertheless, and be it further enacted, That, if the President  
2 should be of opinion that it would be more conducive to the public service to  
3 employ troops enlisted under the denomination of levies than militia, it shall be  
4 lawful for him to raise, for a term not exceeding four months, a corps of two  
5 thousand non-commissioned officers, privates, and musicians, with a suitable num-  
6 ber of commissioned officers: Provided, That the expenses thereof shall not ex-  
7 ceed the sum heretofore appropriated in the ninth section of this act.

1 Sec. 11. And be it further enacted, That the President be, and he hereby is  
2 empowered to organize the said levies, and alone to appoint the commissioned  
3 officers thereof, in the manner he may judge proper.

1 Sec. 12. And be it further enacted, That the commissioned and non-commis-  
2 sioned officers, privates, and musicians of the militia, or said corps of levies, shall,  
3 during the time of their service, be subject to the rules and articles of war; and  
4 they shall be entitled to the same pay, rations, and forage, and in cases of wounds  
5 and disability in the line of their duty, to the same compensation as the troops of  
6 the United States.

1 Sec. 13. And be it further enacted, That the non-commissioned officers, pri-  
2 vates, and musicians, of the said corps of levies, shall be entitled to receive such  
3 proportional quantity of clothing, as their time of service shall bear to the annu-  
4 al allowance of clothing to the troops of the United States, subject, however, to a  
5 proportional deduction from their pay.

1 Sec. 14. And be it further enacted, That the non-commissioned officers, pri-  
2 vates, and musicians, of the said levies, shall be entitled to receive three dollars  
3 as a bounty.

1791, February the 12th. Passed the House of Representatives.

*Ordered*, That this bill pass to the second reading, and that it be printed for the use  
of the Senate.

The Senate adjourned to Monday next, 11 o'clock.

### MONDAY, FEBRUARY 14, 1791.

The Senate assembled: present as on the 12th instant.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed the bill sent from the Se-  
nate, entitled "An act for the admission of the state of Vermont into this Union"

I am directed to bring to the Senate, the resolution of the House of Representatives  
on the petition of Andrew Brown, with the report of the Secretary of State thereon."  
And he withdrew.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they had this day  
laid before the President of the United States, for his approbation, the bill, entitled  
"An act to incorporate the subscribers to the bank of the United States."

On motion,

*Ordered*, That the resolutions of the assembly of Virginia, upon the claims of sun-  
dry individuals, with the papers accompanying them, be referred to the committee ap-  
pointed the thirty-first of January, to take into consideration the extract of a letter from  
governor Randolph, relative to the bounty lands to the officers and soldiers of the  
Virginia line, on continental establishment.

The Senate proceeded to the third reading of the bill sent from the House of Re-  
presentatives for concurrence, entitled "An act to continue in force for a limited  
time an act passed at the first session of Congress, entitled 'An act to regulate process-  
es in the courts of the United States.'"

*Resolved*, That this bill pass.

*Ordered*, That the Secretary acquaint the House of Representatives with the con-  
currence of the Senate in this bill.

The Senate proceeded to the second reading of the bill sent from the House of Re-  
presentatives, entitled "An act for raising and adding another regiment to the milita-  
ry establishment of the United States, and for making further provision for the pro-  
tection of the frontiers,"

*Ordered*, That this bill be committed to Messrs. Gunn, Schuyler, Dickinson, Hawkins, and Strong.

The resolution of the House of Representatives, of the 12th instant, upon the petition of Andrew Brown, printer, was read, as follows:

The House proceeded to consider the report of the Secretary of State, on the petition of Andrew Brown; whereupon,

1 *Resolved*, That Andrew Brown, or any other printer, be permitted, under the  
2 direction of the Secretary of State, to collate with and correct by the original  
3 rolls, the laws, resolutions, and treaties, of the United States, to be by him printed;  
4 and that a certificate of their having been so collated and corrected be annexed  
5 to the said edition: Provided, that such collation and correction be at the ex-  
6 pense of the said Andrew Brown, or such other printer, and that the person or  
7 persons to be by him or them employed in that service, be approved by the Se-  
8 cretary of State.

*Ordered*, That the consideration of this resolution be deferred until to-morrow.

A written message from the President of the United States was communicated by Mr. Lear, his Secretary. And he withdrew:

*Gentlemen of the Senate,  
and House of Representatives:*

Soon after I was called to the administration of the government, I found it important to come to an understanding with the court of London, on several points interesting to the United States, and particularly to know whether they were disposed to enter into arrangements, by mutual consent, which might fix the commerce between the two nations on principles of reciprocal advantage: for this purpose, I authorized informal conferences with their Ministers, and from these I do not infer any disposition, on their part, to enter into any arrangements merely commercial. I have thought it proper to give you this information, as it might, at some time, have influence on matters under your consideration.

GEO. WASHINGTON.

*United States, February 14, 1791.*

*Ordered*, That the message from the President of the United States lie for consideration.

The Senate adjourned to 11 o'clock to-morrow.

## TUESDAY, FEBRUARY 15, 1791.

The Senate assembled: present as yesterday; and the honorable Richard Henry Lee, from the state of Virginia, attended.

The petition of Donald Campbell, praying compensation for services during the late war, was read.

*Ordered*, That it be committed to Messrs. Langdon, King, and Dickinson, to consider and report thereon.

The Senate proceeded to the consideration of the resolution of the House of Representatives, of the 12th instant, on the petition of Andrew Brown, printer; and,

*Resolved*, That they concur in the said resolution.

*Ordered*, That the Secretary acquaint the House of Representatives with the concurrence of the Senate in this resolution.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they had examined the enrolled bill, entitled "An act for the admission of the state of Vermont into this Union," and had found it correct.

The Senate adjourned to 11 o'clock to-morrow.

## WEDNESDAY, FEBRUARY 16, 1791.

The Senate assembled: present as yesterday.

Mr. Carroll gave notice, that to-morrow he intended to move for leave to bring in a bill to amend the act, entitled "An act for establishing the temporary and permanent seat of the government of the United States," pursuant to the plan suggested in the President's message of the 24th of January last.

On motion,

*Ordered*, That the Secretary of the Treasury cause a statement of the exports of the United States, for one year, to be laid before the Senate; enumerating, therein, the articles of export, the value thereof, and the countries to which the same shall have been exported.

The petition of the masters of American vessels, in the port of Charleston, South



Carolina, praying some further regulations for the encouragement of the carrying trade to Europe, was read.

*Ordered*, That this petition lie on the table.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they had examined the enrolled bill, entitled "An act to continue in force, for a limited time, an act passed at the first session of Congress, entitled 'An act to regulate processes in the courts of the United States,'" and the enrolled "Resolution authorizing Andrew Brown, printer, to publish the laws of the United States;" and that they were duly enrolled.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act to establish offices for the purpose of granting lands within the territories of the United States;" in which they desire the concurrence of the Senate.

The Speaker of the House of Representatives having signed two enrolled bills, and an enrolled resolution, I am directed to bring them to the Senate for the signature of the Vice President. And he withdrew.

The Vice President signed the enrolled bill, entitled "An act to continue in force, for a limited time, an act passed at the first session of Congress, entitled 'An act to regulate processes in the courts of the United States;'" the enrolled bill, entitled "An act for the admission of the state of Vermont into this Union;" and the enrolled "Resolution authorizing Andrew Brown, printer, to publish the laws of the United States;" and they were delivered to the Committee on Enrolled Bills, to be laid before the President of the United States for his approbation.

The bill sent from the House of Representatives for concurrence, entitled, "An act to establish offices for the purpose of granting lands within the territories of the United States," was read the first time, as follows:

**An act to establish offices for the purpose of granting lands within the territories of the United States.**

1     **SEC. 1.** Be it enacted by the Senate and House of Representatives of the Uni-  
2     ted States of America in Congress assembled, That an office shall be established  
3     at the seat of the government of the United States, for the purpose of granting  
4     lands within the territories of the United States: and that two subordinate offices  
5     shall be established for the same purpose—one in the territory northwest of the  
6     Ohio, and the other in the territory south of the Ohio. That no lands shall be  
7     sold or granted, except those to which the titles of the Indian tribes shall have  
8     been previously extinguished. That the seven ranges of townships already sur-  
9     veyed, shall be sold in lots as they are laid out. That any quantities of other land  
10    may be sold by special contract. That convenient tracts from time to time be  
11    set apart for the purpose of locations by actual settlers. That the superinten-  
12    dents of each subordinate office shall have the management of all sales, and the  
13    issuing of warrants for all locations, in the tracts to be set apart for the accommo-  
14    dation of individual settlers, subject to the direction of the superintendent of the  
15    general land-office, who may also commit to them the management of any other  
16    sales or locations, which it may be found expedient to place under their di-  
17    rection.

1     **SEC. 2.** And be it further enacted, That the price of all land sold or granted  
2     by the United States, shall be twenty-five cents per acre, except such as may be  
3     sold by special contract, and such as may be granted as bounties for military ser-  
4     vices; the warrants for which last mentioned lands shall be located, surveyed, and  
5     patented, in the same manner as warrants issuing from the land-office, in consi-  
6     deration of the payment of money, and the exclusive right of locating such war-  
7     rants in districts set apart for the army, shall cease from and after the first day  
8     of May, one thousand seven hundred and ninety-four: Provided, always, That any  
9     purchaser of lands, when the payment thereof shall be due, may proffer in pay-  
10    ment any of the certificates of the funded debt of the United States, at the same  
11    rates as the treasurer shall have allowed for such certificates, respectively, in the  
12    last purchase which he shall have made thereof prior to such payment.

1     **SEC. 3.** And be it further enacted, That no credit shall given for any quantity of  
2     land less than twenty-three thousand acres; and no credit shall be given for any  
3     quantity, unless one quarter part of the price shall be paid down, and sufficient  
4     security (other than the land sold) given for the payment of the residue within  
5     two years. And that no patent shall issue, or title be made for any part of a tract  
6     of land purchased, beyond the proportion for which the money shall be actually  
7     paid.

1     **SEC. 4.** And be it further enacted, That all persons who have really and

2 bona fide settled on unappropriated land, in either of the said territories, and have  
3 made improvements thereon; the titles to which lands are not, or might not have  
4 been secured by the governments of those territories, or by the acts or ordinan-  
5 ces of Congress, shall be entitled to six hundred and forty acres each, including  
6 their respective improvements: Provided, that such settlers shall, within twelve  
7 months after the passing of this act, pay to the Secretary of the territory, in which  
8 the settlement hath been made, the stated price for the land to which such set-  
9 tler is entitled by virtue of his improvement, or for so much thereof as he shall in-  
10 cline to take, and prove by the oath or affirmation of two or more credible  
11 persons, their residence and improvements; a certified copy of which oath or  
12 affirmation shall be produced to the said secretary, to be by him filed in his  
13 office.

1 SEC. 5. And be it further enacted, That a surveyor of lands shall be appointed  
2 in each of the said territories, who may appoint as many deputy surveyors as may  
3 be necessary to assist them in executing all warrants to them respectively direct-  
4 ed, which warrants shall be signed by the superintendent of the respective offices,  
5 and directed to the surveyor of the territory in which the land to be located lies.  
6 The priority of location of warrants shall be determined by the time of applica-  
7 tion to the surveyor, and in case of two applications at the same time for the  
8 same land, the priority shall be determined by lot.

1 SEC. 6. And be it further enacted, That the Treasurer of the United States  
2 shall be the receiver of all moneys to be paid for lands granted at the general land  
3 office; and that the Secretaries of the government established in the said terri-  
4 tories shall be the receivers of all moneys arising from the sales of grants of  
5 land at the offices of their respective territories. And that any person paying into  
6 his or their hands a sum of money for the purchase of land, shall be entitled to a  
7 receipt, expressing the sum paid, and the quantity of land to be granted in con-  
8 sideration thereof; on producing of which receipt to the superintendent of the  
9 proper office, and lodging the same with him to be recorded, the superintendent  
10 shall issue a warrant, directed to the surveyor of the territory, specifying the  
11 quantity of land purchased, and authorizing him to cause the same to be survey-  
12 ed agreeably to the established rules of the land office. And where the money  
13 shall be paid for a settlement-right, the receipt shall so express; on producing  
14 which receipt to the superintendent of the land office of the territory in which  
15 the land may be, a warrant shall issue, and the same proceedings be had there-  
16 on as in cases of money paid to the Treasurer of the United States for the like  
17 quantity.

1 SEC. 7. And be it further enacted, That the superintendent of the general land  
2 office, the surveyor, and the superintendents of the land-offices in each of the said  
3 territories, shall not purchase any public lands; and shall be incapable of hold-  
4 ing any such lands as may be purchased by them, or by any person for their use,  
5 during their continuance in office.

1 SEC. 8. And be it further enacted, That all patents shall be signed by the Pre-  
2 sident of the United States, and shall be recorded in the office of the Secretary of  
3 State.

1 SEC. 9. And be it further enacted, That all officers to be appointed by virtue  
2 of this act shall take an oath or affirmation, before some judge or magistrate of  
3 the United States, that they will faithfully discharge the duties of their respective  
4 offices; a certificate of which oath or affirmation shall be returned to the general  
5 land-office, or to the land-office of the territory in which the duties are to be per-  
6 formed, previous to their entering upon the execution of their offices.

1 SEC. 10. And be it further enacted, That the secretaries of the said govern-  
2 ments shall give bond, with sufficient sureties, in the sum of ten thousand dollars  
3 each, for the faithful discharge of their duty, as receivers of the money arising  
4 from the sale of land at their respective offices.

1 SEC. 11. And be it further enacted, That the superintendent of the general  
2 land-office may agree with any person or persons for the sale of any quantity of  
3 land, not less than twenty-three thousand acres, to be located in one body, and  
4 particularly described by natural boundaries, or by lines to be run and plainly  
5 marked by the surveyor of the district or territory in which the land may lie, at  
6 the expense of the purchaser or purchasers, provided the price be not less than  
7 twenty cents per acre.

1 SEC. 12. And be it further enacted, That the superintendent of the general land  
2 office shall have power to establish all such rules and regulations as he shall judge  
3 necessary, respecting the form, time, and manner, of locating warrants for lands,



4 of making and returning surveys, issuing patents thereupon, entering caveats and  
5 proceedings preparatory to the trial thereof, and all such other rules and re-  
6 gulations as shall be necessary to carry this act into effect, according to the true  
7 intent and meaning thereof; which rules he shall cause to be published, in one  
8 gazette at least, in each of the United States, and in each of the said territories in  
9 which there may be a gazette.

1 SEC. 13. And be it further enacted, That controversies concerning rights to  
2 patents, or grants, shall be determined by the superintendent of that office, under  
3 whose immediate direction or jurisdiction the locations in respect to which they  
4 may arise shall have been made: Provided, That no determination of such su-  
5 perintendents shall be construed to prevent either of the parties from bringing  
6 their action or actions, suit or suits, in law or equity, for the final decision of  
7 their rights to the lands in dispute, or for recovering damages for waste or tres-  
8 pass committed thereon.

1 SEC. 14. And be it further enacted, That the attorney general of the United  
2 States shall, by virtue of his office, be superintendent of the general land-office;  
3 and that the governors of the said territories shall, by virtue of their offices, be  
4 superintendents of the subordinate land-offices within their respective govern-  
5 ments.

1 SEC. 15. And be it further enacted, That a separate account shall be kept at the  
2 Treasury of the moneys arising from the sale of the aforesaid lands; and the said  
3 moneys shall be, and they are hereby, appropriated to the purchase of the debt  
4 of the United States, according to the terms of the "act making provision for  
5 the reduction of the public debt."

1791, February the 16th—Passed the House of Representatives, and sent to the  
Senate for concurrence.

*Ordered*, That this bill pass to the second reading, and that in the mean time it be  
printed for the use of the Senate.

The Senate adjourned to 11 o'clock to-morrow.

### THURSDAY, FEBRUARY 17, 1791.

The Senate assembled: present as yesterday;

And proceeded in the second reading of the bill, entitled "An act to establish offi-  
ces for the purpose of granting lands within the territories of the United States."

*Ordered*, That the further consideration hereof be postponed.

Agreeably to notice given yesterday, leave was requested to bring in a bill to amend  
an act, entitled "An act for establishing the temporary and permanent seat of the go-  
vernment of the United States."

And, on the question, Shall leave be given to bring in the bill moved for? The yeas  
and nays were required by one-fifth of the Senators present:

YEAS.—Messrs. Butler, Carroll, Dickinson, Elmer, Few, Gunn, Hawkins, Henry,  
Johnston, Izard, Langdon, Lee, Monroe, Morris, Read, Stanton, and Strong.—17.

NAYS.—Messrs. Dalton, Ellsworth, Foster, Johnson, King, Maclay, and Wingate.—7.

So it passed in the affirmative.

And the bill was accordingly brought in and read the first time, as follows:

An act to amend "An act for establishing the temporary and permanent seat of the  
government of the United States."

1 Be it enacted by the Senate and House of Representatives of the United States  
2 of America in Congress assembled, That so much of the act, entitled "An act for  
3 establishing the temporary and permanent seat of the government of the United  
4 States," as requires that the whole of the district of territory, not exceeding ten  
5 miles square, to be located on the river Potomac, for the permanent seat of the  
6 government of the United States, shall be located above the mouth of the Eastern  
7 Branch, be and is hereby repealed; and that it shall be lawful for the President  
8 of the United States to make any part of the territory below the said limit and  
9 above the mouth of the Hunting Creek a part of the said district, so as to include  
10 a convenient part of the Eastern Branch and of the lands lying on the lower side  
11 thereof; and, also, the town of Alexandria; and the territory so to be included  
12 shall form a part of the district not exceeding ten miles square, for the permanent  
13 seat of the government of the United States, in like manner and to all intents and  
14 purposes as if the same had been within the purview of the above recited act:  
15 Provided, That nothing herein contained shall authorize the erection of the pub-

16 lic buildings otherwise than on the Maryland side of the river Potomac, as requir-  
17 ed by the aforesaid act.

*Ordered,* That this bill pass to the second reading.

Mr. Schuyler, from the committee appointed to take into consideration the bill sent from the House of Representatives for concurrence, entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers," reported the bill amended.

*Ordered,* That the amendments be printed for the consideration of the Senate.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they had this day laid before the President of the United States the bill, entitled "An act for the admission of the state of Vermont into this Union." The bill, entitled "An act to continue in force, for a limited time, an act passed at the first session of Congress, entitled 'An act to regulate processes in the courts of the United States.'" And the resolution authorizing Andrew Brown to print the laws of the United States.

The Senate adjourned to 11 o'clock to-morrow.

### FRIDAY, FEBRUARY 18, 1791.

The Senate assembled: present as yesterday.

A message from the President of the United States, by Mr. Lear, his Secretary.

*Mr. President:* The President of the United States has this day approved and signed "The act for the admission of the state of Vermont into this Union."

He also delivered the following written message from the President of the United States. And he withdrew.

*Gentlemen of the Senate,*

*and House of Representatives:*

I have received from the Secretary of State a report on the proceedings of the Governor of the Northwestern territory, at Kaskaskia, Kahokia, and Prairie, under the resolution of Congress of August 29, 1788, which, containing matter proper for your consideration, I lay the same before you.

G. WASHINGTON.

*United States, February 18, 1791.*

*Ordered,* That the message, and papers therein referred to, lie for consideration.

*Ordered,* That the Secretary acquaint the House of Representatives that the President of the United States has this day approved and signed the "Act for the admission of the state of Vermont into this Union."

Mr. Langdon, from the committee appointed to take into consideration the petition of Donald Campbell, reported, "That he be allowed six hundred and ninety-five dollars and twenty-three ninetieths; that sum being the difference between two and a half per cent. heretofore allowed, and five per cent. on the transactions of his department, to which he is entitled by the resolutions of Congress, together with interest thereon from the time of performing the said service; the foregoing allowance to be in full of all claims and demands of the said Donald Campbell against the United States."

To which report the Senate did not agree; and,

On motion,

*Ordered,* That the memorial of Donald Campbell be dismissed, his claims having been fully and repeatedly stated and decided on.

Agreeably to the order of the day, the Senate proceeded in the second reading of the bill, entitled "An act to establish offices for the purpose of granting lands within the territories of the United States."

*Ordered,* That the consideration thereof be postponed.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The President of the United States has notified the House of Representatives that he has this day approved and signed the "Act to continue in force for a limited time an act passed at the first session of Congress, entitled 'An act to regulate processes in the courts of the United States;'" also, the resolution of Congress granting permission to Andrew Brown, or any other printer, to print the laws of the United States, under certain regulations therein contained. And he withdrew.

The Senate proceeded to the second reading of the "bill to amend an act, entitled 'An act for establishing the temporary and permanent seat of the government of the United States:'" and,

On motion to postpone the consideration thereof to this day se'nnight, the yeas and nays were required by one-fifth of the Senators present:



**YEAS.**—Messrs. Dalton, Dickinson, Ellsworth, Elmer, Foster, Johnson, King, Langdon, Maclay, Morris, Read, Schuyler, Stanton, Strong, Wingate.—15.

**NAYS.**—Messrs. Butler, Carroll, Few, Gunn, Hawkins, Henry, Johnston, Izard, Lee, Monroe.—10.

So it passed in the affirmative.

The Senate adjourned to 11 o'clock to-morrow.

### SATURDAY, FEBRUARY 19, 1791.

The Senate assembled: present as yesterday.

And resumed the consideration of the bill entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers," reported by the committee, with amendments; and,

On motion to adopt the first section of the bill, as sent from the House of Representatives, and reported by the committee of the Senate, the yeas and nays were required by one-fifth of the Senators present:

**YEAS.**—Messrs. Carroll, Dalton, Dickinson, Ellsworth, Elmer, Foster, Henry, Johnson, Johnston, Izard, King, Langdon, Schuyler, Stanton, and Strong.—15.

**NAYS.**—Messrs. Butler, Few, Gunn, Lee, Maclay, Monroe, and Wingate.—7.

So it passed in the affirmative.

On motion to add, after the tenth section agreed to, with an amendment reported by the committee,

And be it further enacted, That, if the President of the United States should be of opinion that the service for which the aforesaid regiment is intended, can be performed by the militia, or troops under the denomination of levies, he is fully authorized, any thing heretofore to the contrary notwithstanding, to substitute levies or militia accordingly, to continue in pay during such term only as the President of the United States, in his discretion, shall deem it requisite for the public service, or until the next session of Congress:

It passed in the negative.

Other amendments were reported by the committee, and adopted, and it was agreed to amend the bill accordingly.

*Ordered*, That this bill pass to the third reading.

The second reading of the bill, entitled "An act to alter the time of the next meeting of Congress," was postponed until Tuesday next.

It was agreed further to postpone the report of the committee appointed to consider and report what time will be proper for the commencement of the next Congress, together with the resolution of the House of Representatives thereon.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives have passed the bill sent from the Senate, entitled "An act regulating the number of Representatives to be chosen by the states of Kentucky and Vermont." And he withdrew.

The Senate adjourned to Monday next, at 11 o'clock.

### MONDAY, FEBRUARY 21, 1791.

The Senate assembled: present as on the 19th instant.

The petition of Joseph Tatlow, for compensation for a vessel said to be lost in the service of the United States, was read.

*Ordered*, That this petition lie on the table.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives have agreed to the amendments of the Senate to the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same," with amendments; in which amendments the House of Representatives desire the concurrence of the Senate;

I am directed to inform the Senate that, in the 10th, 11th, 40th and 43d sections of the bill, there appear to be sundry omissions of corresponding amendments, which are rendered necessary in consequence of other amendments to the same section. And he withdrew.

The Senate proceeded to consider the resolutions of the House of Representatives of the 17th February, on the amendments of the Senate to the bill last mentioned. Which amendments are as follow:

*Resolved*, That this House doth disagree to the amendment to the 34th section, and doth agree to the amendments to all the other sections, as far as the 58th section inclusive, with amendments to several of the said amendments, as follow:

Sec. 3. First amendment, transpose it so as to come in after the word 'fifty,' in the third line of the section.

Sec. 4. In the first of the three sections proposed by the Senate to be inserted in lieu of the fourth section, and in the second line, strike out 'thirteen' and insert 'fourteen.'

Sec. 27. First amendment—in the words proposed by the Senate to be substituted in lieu of the words stricken out, strike out 'at the port where;' insert 'within whose survey.'

*Resolved*, That this House doth agree to the amendment to the 61st section, with an amendment, by striking out, in addition to the words proposed to be stricken out by the Senate, the whole of the said section, without any substitute.

*Resolved*, That this House doth agree to all the other amendments proposed by the Senate to the before mentioned bill, with an amendment to the section which is proposed to follow the 61st section, as followeth: strike out from the word 'exceed,' in the seventh line, and insert 'seven per cent. of the whole product of the duties arising from the spirits distilled within the United States; and such allowances shall continue to be paid for the space of two years, unless sooner altered by law.'

Whereupon,

*Resolved*, That the Senate do recede from their amendments disagreed to by the House of Representatives, and agree to those of that House, except to the amendment proposed to follow the 61st section, to which the Senate agree, amended as follows: 'Seven per cent. of the whole product of the duties arising from spirits distilled within the United States; and such allowances shall continue to be paid until altered by law.'

*Resolved*, That the Senate do agree to the corresponding amendments suggested by the House of Representatives, as necessary in the 10th, 11th, 40th, and 43d sections of the bill, to wit:

Sec. 10. Line 8, expunge 'inspectors,' substitute 'supervisors.'

In the fourth amendment of the Senate, to section 10th, line 4th, after 'chief' expunge 'inspector,' and substitute 'officer.'

Sec. 11. Lines 8, 10, and 18, after 'cask,' insert 'vessel.'

Sec. 40. Line 3, expunge 'inspector,' substitute 'supervisor.'

Line 7, insert before 'officer,' 'supervisor or other.'

Sec. 43. Lines 6, 7, expunge 'inspector,' substitute 'supervisors.'

And the Senate agree to such other amendments of a similar nature as may occur.

*Ordered*, That the Secretary acquaint the House of Representatives with the proceedings of the Senate on their amendments to the amendment of the Senate, on the above mentioned bill.

The bill sent from the House of Representatives for concurrence, entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers," was read the third time.

On motion to amend the first section of the bill, so as to limit the number of the regiment to six hundred and eight, instead of nine hundred and twelve non-commissioned officers, privates, and musicians: the yeas and nays were required by one-fifth of the Senators present.

YEAS.—Messrs. Butler, Few, Gunn, Lee, Maclay, Monroe, Stanton, and Wingate—8

NAYS.—Messrs. Basset, Carroll, Dalton, Dickinson, Ellsworth, Filmer, Foster, Hawkins, Henry, Johnson, Johnston, Izard, King, Langdon, Morris, Read, Schuyler, and Strong.—18.

So it passed in the negative.

*Resolved*, That this bill pass with the following amendments:

Sec. 3. Line 3, after 'engaged,' insert 'for the like term and.'

Sec. 4. Line 1, expunge from the word 'that' to the word 'shall,' in the third line, and insert 'each non-commissioned officer, private, and musician, who has enlisted, or shall enlist, pursuant to the act aforesaid, or who shall enlist pursuant to this act.'

Sec. 5. Expunge the whole section.

Sec 6. At the end add, 'Provided always, that the major-general and brigadier-general, so to be appointed, shall respectively continue in pay during such term only as the President of the United States, in his discretion, shall deem it requisite for the public service.'



Sec. 7. Line 19, at the end, add 'including pay, rations, and forage.'

Sec. 8. Line 6, strike out the proviso.

Sec. 9. Expunge the whole section.

1 Sec. 10. Line 1, expunge 'provided nevertheless.'  
 2 Line 3, expunge from 'militia,' to the end of the section, and insert 'which, in  
 3 virtue of the powers vested in him by law, he is authorized to call into the service  
 4 of the United States, it shall be lawful for him to raise, for a term not exceeding  
 5 six months, (to be discharged sooner if the public service will permit) a corps of  
 6 two thousand non-commissioned officers, privates, and musicians, with a suitable  
 7 number of commissioned officers. And in case it shall appear probable to the  
 8 President that the regiment directed to be raised by the aforesaid act, and by this  
 9 act, will not be completed in time to prosecute such military operations as exi-  
 10 gencies may require, it shall be lawful for the President to make a substitute for  
 11 the deficiency, by raising such further number of levies, or by calling into the  
 12 service of the United States such a body of militia as shall be equal thereto.'

1 Sec. 14. Line 1, after 'that' insert 'each of.'

1 Sec. — And be it further enacted, That in case the nature of the service up-  
 2 on which the troops of the United States may be employed should require a  
 3 greater number of surgeons' mates than are provided for in the before mentioned  
 4 act, the President of the United States may engage, from time to time, such addi-  
 5 tional number of surgeons' mates as he shall judge necessary.'

1 Sec. — And be it further enacted, That the commissioned officers who shall  
 2 be employed to recruit men for the said regiments shall be entitled to receive  
 3 for every recruit, who shall be duly enlisted and mustered, the sum of two dollars.

1 Sec. — And be it further enacted, That, for defraying the expense of one  
 2 year of the additional regiment to be raised by virtue of this act: for defraying  
 3 the expense for a like term, of the officers mentioned in the sixth section of this  
 4 act: for defraying the expense of the said militia horse, militia foot, and levies,  
 5 which may be called into or engaged for the service of the United States, pur-  
 6 suant to this act: for defraying the expense of such surgeons' mates as may be ap-  
 7 pointed pursuant to the thirteenth section of this act: for defraying the expense  
 8 of recruiting the said two regiments: and for defraying the expense of any milita-  
 9 ry posts which the President shall judge expedient and proper to establish, there  
 10 be, and hereby is, appropriated a sum not exceeding three hundred and twelve  
 11 thousand six hundred and eighty six dollars and twenty cents, to be paid out of  
 12 the moneys which, prior to the first day of January next, shall arise from the du-  
 13 ties imposed upon spirits distilled within the United States, and from stills, by the  
 14 act, entitled "An act repealing, after the last day of June next, the duties hereto-  
 15 fore laid upon distilled spirits imported from abroad, and laying others in their  
 16 stead; and, also, upon spirits distilled within the United States, and for appropri-  
 17 ating the same;" together with the excess of duties which may arise from the du-  
 18 ties imposed by the said act, on imported spirits, beyond those which would have  
 19 arisen by the act, entitled "An act making further provision for the payment of  
 20 the debts of the United States."

1 Sec. — And to the end that the public service may not be impeded for want  
 2 of necessary means,

3 Be it further enacted, That it shall be lawful for the President to take on loan  
 4 the whole sum by this act appropriated, or so much thereof as he may judge re-  
 5 quisite, at an interest not exceeding six per centum per annum; and the fund es-  
 6 tablished for the above mentioned appropriation is hereby pledged for the repay-  
 7 ment of the principal and interest of any loan to be obtained in manner aforesaid;  
 8 and in case of any deficiency in the said fund, the faith of the United States is  
 9 hereby also pledged to make good such deficiency.

And that the sections be numbered conformably to the amendments.

Ordered, That the Secretary carry this bill to the House of Representatives, and de-  
 sire their concurrence in the amendments.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

Mr. President: The House of Representatives have passed a bill, entitled "An act  
 for giving effect to the laws of the United States within the state of Vermont," in which  
 they desire the concurrence of the Senate. And he withdrew.

The bill was read the first time, as follows:

An act giving effect to the laws of the United States, within the state of Vermont.

1 Sec. 1. Be it enacted by the Senate and House of Representatives of the United  
 2 States of America in Congress assembled, That, from and after the third day of

3 March next, all the laws of the United States which are not locally inapplicable,  
4 ought to have, and shall have, the same force and effect within the state of Ver-  
5 mont, as elsewhere within the United States.

1 Sec. 2. And to the end that the act, entitled "An act to establish the judicial  
2 courts of the United States," may be duly administered within the said state of  
3 Vermont,

4 Be it further enacted, That the said state shall be one district, to be denomina-  
5 ted Vermont district; and there shall be a district court therein, to consist of one  
6 judge, who shall reside within the said district, and be called a district judge, and  
7 shall hold annually four sessions; the first to commence on the first Monday in May  
8 next, and the three other sessions progressively on the like Monday of every third  
9 calendar month afterwards. The said district court shall be held alternately at  
10 the towns of Rutland and Windsor, beginning at the first.

1 Sec. 3. And be it further enacted, That the said district shall be, and the same  
2 hereby is, annexed to the eastern circuit; and there shall be held, annually,  
3 in the said district, one circuit court: the first session shall commence on the  
4 seventeenth day of June next, and the subsequent sessions on the like day of June  
5 afterwards, except when any of the said days shall happen on a Sunday, and then  
6 the session shall commence on the day following; and the said sessions, of the  
7 said circuit court, shall be held at the town of Bennington.

1 Sec. 4. And be it further enacted, That there shall be allowed, to the judge of  
2 the said district court, the yearly compensation of eight hundred dollars, to com-  
3 mence from the time of his appointment, and to be paid quarter yearly at the  
4 Treasury of the United States.

1 Sec. 5. And be it further enacted, That all the regulations, provisions, direc-  
2 tions, authorities, penalties, and other matters whatsoever (except as herein af-  
3 terwards is expressly provided) contained and expressed in and by the act, enti-  
4 tled "An act providing for the enumeration of the inhabitants of the United  
5 States," shall have the same force and effect within the said state of Vermont, as  
6 if the same were, in relation thereto, repeated and re-enacted in and by this pre-  
7 sent act.

1 Sec. 6. And be it further enacted, That the enumeration of the inhabitants of  
2 the said state shall commence on the first Monday of April next, and shall close  
3 within five calendar months thereafter.

1 Sec. 7. And be it further enacted, That the marshal of the district of Vermont  
2 shall receive, in full compensation for all the duties and services confided to, and  
3 enjoined upon, him, in and by this act, in taking the enumeration aforesaid, two  
4 hundred dollars.

1 Sec. 8. And that the act, entitled "An act to provide more effectually for the  
2 collection of the duties imposed by law on goods, wares, and merchandise, im-  
3 ported into the United States, and on the tonnage of ships and vessels," may be  
4 carried into effect in the said state of Vermont,

5 Be it further enacted, That, for the due collection of the said duties, there shall  
6 be, in the said state of Vermont, one district; and a collector shall be appointed, to  
7 reside at Allsburch, on Lake Champlain, which shall be the only port of entry  
8 or delivery within the said district, of any goods, wares, or merchandise, not the  
9 growth or manufacture of the United States.

1791, February the 21st. Passed the House of Representatives.

*Ordered,* That this bill pass to the second reading.

The Senate resumed the second reading of the bill, entitled "An act to establish  
offices for the purpose of granting lands within the territories of the United States."

*Ordered,* That this bill be committed to Messrs. Strong, Ellsworth, Foster, King,  
and Monroe, to consider and report what is proper to be done thereon.

Mr. Schuyler gave notice that to-morrow he intended to move for leave to bring in  
"a bill to provide for the payment of balances due to the United States in certain  
cases."

The Senate adjourned to 11 o'clock to-morrow.

## TUESDAY, FEBRUARY 22, 1791.

The Senate assembled: present as yesterday;

And proceeded in the second reading of the bill, sent from the House of Repre-  
sentatives for concurrence, entitled "An act for giving effect to the laws of the Unit-  
ed States within the state of Vermont;" and, having agreed to an amendment,



*Ordered*, That this bill pass to the third reading.

The second reading of the bill, sent from the House of Representatives for concurrence, entitled "An act to alter the time for the next meeting of Congress," was resumed.

On motion to insert "the second Monday in September," in place of the "first Monday of November:"

It passed in the negative.

And, on the question, Shall this bill be read the third time?

It passed in the negative.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act to explain and amend an act, entitled 'An act making further provision for the payment of the debts of the United States;' in which they desire the concurrence of the Senate. And he withdrew.

The bill was read the first time, as follows:

An act to explain and amend an act, entitled "An act making further provision for the payment of the debts of the United States.

1     Sec. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
2     ed States of America in Congress assembled, That the duty of one cent per  
3     pound, laid by "the act making further provision for the payment of the debts of  
4     the United States," on bar and other lead, shall be deemed and taken to extend to  
5     all manufactures wholly of lead, or in which lead is the chief article, which shall  
6     hereafter be brought into the United States from any foreign port or place.

1     Sec. 2. And be it further enacted, That the duty of seven and a half per cent.  
2     ad valorem, laid by the act aforesaid on chintzes and colored calicoes, shall be  
3     deemed and taken to extend to all printed, stained, and colored goods, or manu-  
4     factures of cotton or of linen, or of both, which hereafter shall be brought into  
5     the United States from any foreign port or place.

1     Provided always, That nothing in this act shall in any wise affect the true con-  
2     struction or meaning of the act aforesaid, in relation to any of the above described  
3     articles brought into the United States before the passing of this act."

1791, February 22d. Passed the House of Representatives.

*Ordered*, That this bill pass to the second reading.

Mr. Maclay reported from the committee appointed to consider the bill sent from the House of Representatives for concurrence, entitled "An act authorising the President of the United States to cause the debt due to foreign officers, to be paid and discharged."

*Ordered*, That the report lie for consideration.

On motion,

*Resolved*, By the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be requested to cause to be communicated to the National Assembly of France, the peculiar sensibility of Congress, to the tribute paid to the memory of Benjamin Franklin, by the enlightened and free Representatives of a great nation, in their decree of the eleventh day of June, one thousand seven hundred and ninety.

*Ordered*, That the Secretary carry this resolution to the House of Representatives, and desire their concurrence.

Mr. Foster, from the Committee on Enrolled Bills, reported, That they had examined the Enrolled Bill, entitled "An act regulating the number of representatives to be chosen by the states of Kentucky and Vermont," and that it was correct.

The Senate adjourned to 11 o'clock to-morrow.

### WEDNESDAY, FEBRUARY 23, 1791.

The Senate assembled: present as yesterday;

And proceeded to the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act to explain and amend an act, entitled 'An act making further provision for the payment of the debts of the United States.'"

*Ordered*, That this bill pass to the third reading.

The bill sent from the House of Representatives for concurrence, entitled "An act for giving effect to the laws of the United States within the state of Vermont," was read the third time.

*Resolved*, That this bill pass, with the following amendment:

At the end of the bill, add,

"Provided, nevertheless, That the exception contained in the sixty-ninth section of the act last above mentioned, relative to the district of Louisville, shall be, and is hereby, extended to the said port of Allburgh."

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in this amendment.

The Senate proceeded to the consideration of the report of the committee on the bill sent from the House of Representatives for concurrence, entitled "An act authorising the President of the United States, to cause the debt due to foreign officers to be paid and discharged."

Whereupon,

*Resolved*, That this bill do not pass to the third reading.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives insist on their amendment to the last clause of the section proposed by the Senate to follow section sixty-first, of the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same."

The Speaker of the House of Representatives having signed an enrolled bill, I am directed to bring it to the Senate, for the signature of the Vice President.

The House of Representatives have agreed to the resolution, requesting the President of the United States to cause a communication to be made to the National Assembly of France, respecting the late Benjamin Franklin.

They have passed a bill, entitled "An act supplementary to the act, entitled 'An act to incorporate the subscribers to the bank of the United States,' in which they desire the concurrence of the Senate. And he withdrew.

The Senate proceeded to consider the resolution of the House of Representatives, insisting on their amendment to the last clause of the section proposed by the Senate, to follow section sixty-first, of the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same;" and,

On motion that the Senate insist on their amendment to the amendment of the House of Representatives to the said clause, the yeas and nays were required by one-fifth of the Senators present:

YEAS.—Messrs. Bassett, Butler, Dalton, Dickinson, Ellsworth, Elmer, Foster, Johnson, Izard, Morris, Read, Schuyler, Stanton, and Strong.—14.

NAYS.—Messrs. Carroll, Few, Hawkins, Henry, Johnston, Lee, Maclay, Monroe, and Wingate.—9.

So it was

*Resolved*, That the Senate insist on their amendment to the amendment of the House of Representatives, in the clause of the section to follow section 61st of the bill last mentioned.

*Resolved*, That a conference be desired with such managers as the House of Representatives may appoint on their part, on the subject of disagreement, and that Messrs. Ellsworth, King, and Morris, be the managers at the conference proposed, on the part of the Senate.

*Ordered*, That the Secretary communicate this resolution to the House of Representatives, and desire the conference, and the appointment of managers on their part.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act to incorporate the subscribers to the Bank of the United States,'" was read the first time, and is as follows:

An act supplementary to the act, entitled "An act to incorporate the subscribers to the Bank of the United States."

1 Be it enacted by the Senate and House of Representatives of the United States  
2 of America in Congress assembled, That the subscriptions to the stock of the  
3 Bank of the United States, as provided by the act, entitled "An act to incorporate  
3 the subscribers to the Bank of the United States," shall not be opened until the  
5 first Monday in July next.

1 Sec. 2. And be it further enacted, That so much of the first payment as by the  
2 said act is directed to be in the six per cent. certificates of the United States,  
3 may be deferred until the first Monday in January next.



1     Sec. 3. And be it further enacted, That no person, corporation, or body poli-  
 2     tic, except in behalf of the United States, shall, for the space of three months af-  
 3     ter the said first Monday in July next, subscribe in any one day for more than thir-  
 4     ty shares.

1     Sec. 4. And be it further enacted, That every subscriber shall, at the time of  
 2     subscribing, pay into the hands of the persons who shall be appointed to receive  
 3     the same, the specie proportion required by the said act to be then paid. And if  
 4     any such subscriber shall fail to make any of the future payments, he shall forfeit  
 5     the sum so by him first paid, for the use of the corporation.

1     Sec. 5. And be it further enacted, That such part of the public debt, including  
 2     the assumed debt, as is funded at an interest of three per cent. may be paid to the  
 3     Bank in the like manner with the debt funded at six per cent. computing the value  
 4     of the former at one half the value of the latter, and reserving to the subscribers  
 5     who shall have paid three per cent. stock the privilege of redeeming the same with  
 6     six per cent. stock, at the above rate of computation, at any time before the first  
 7     day of January, one thousand seven hundred and ninety-three; unless the three  
 8     per cent. stock shall have been previously disposed of by the directors.

February 23d, 1791—Sent from the House of Representatives for concurrence.

*Ordered*, That this bill pass to the second reading, and that in the mean time it be printed for the use of the Senate.

The Vice President signed the enrolled bill, entitled "An act regulating the number of Representatives to be chosen by the states of Kentucky and Vermont," and it was delivered to the Committee on Enrolled Bills to be laid before the President of the United States for his approbation.

Mr. Monroe gave notice that to-morrow he intended to move that the doors of the Senate Chamber be opened, to the end that the citizens of the United States may be admitted to hear the debates of the Senate.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have agreed to the proposed conference on the amendment to the amendment of the Senate on the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same," and have appointed managers on their part. And he withdrew.

A motion was made that the Senate agree to the following resolution:

Whereas the duties imposed by law on the Attorney General of the United States require the aid of clerks, and are attended with other expenses, for which no provision hath been made:

*Resolved*, That, for the space of one year from the date hereof, and from thence to the end of the succeeding session of Congress, there be allowed to the said Attorney General at the rate of ——— dollars per annum, for the purposes aforesaid.

*Ordered*, That the consideration of this motion be postponed until to-morrow.

The Senate adjourned to 11 o'clock to-morrow.

#### THURSDAY, FEBRUARY 24, 1791.

The Senate assembled: present as yesterday.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act to incorporate the subscribers to the bank of the United States,'" was read the second time; and, on the question, Shall this bill pass to the third reading? the yeas and nays were required by one-fifth of the Senators present.

YEAS.—Messrs. Bassett, Butler, Dalton, Dickinson, Ellsworth, Elmer, Few, Hawkins, Henry, Johnson, Johnston, Izard, King, Langdon, Lee, Maclay, Morris, Read, Schuyler, Stanton, Strong, and Wingate.—22.

NAYS.—Messrs. Carroll, Gunn, and Monroe.—3.

So it was

*Ordered*, That this bill pass to the third reading.

The Senate proceeded to the third reading of the bill, sent from the House of Representatives for concurrence, entitled "An act to explain and amend an act, entitled 'An act making further provision for the payment of the debts of the United States,'" and,

*Resolved*, That this bill pass.

*Ordered*, That the Secretary acquaint the House of Representatives with the concurrence of the Senate in this bill.

A motion was made, that the Senate agree to the following resolution:

Whereas the duties of the Treasury Department are greatly increased by different acts passed since the establishment of the office, insomuch as to make the salaries of the officers inadequate to the fatigue and attention requisite; and whereas the time of the present session will not admit of regulating the salaries by bill:

*Resolved*, That, for the space of one year, the salaries of the different officers shall be advanced in the proportion of 25 per cent. on their present allowance.

*Ordered*, That the foregoing motion be referred to Messrs. Ellsworth, Butler, Read, Strong, and King; together with the motion made yesterday, respecting an additional compensation to the Attorney General of the United States; and that the committee be instructed to consider and report generally thereon.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they had examined the enrolled "Resolution, requesting the President of the United States to cause a communication to be made to the National Assembly of France, respecting the late Benjamin Franklin;" and that they had found it correct.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed the bill, entitled "An act fixing the time for the next annual meeting of Congress," in which they desire the concurrence of the Senate.

The House of Representatives agree to the amendment of the Senate on the bill, entitled "An act for giving effect to the laws of the United States, within the state of Vermont."

The Speaker of the House of Representatives having signed an enrolled resolution, I am directed to bring it to the Senate for the signature of the Vice President. And he withdrew.

On motion to reconsider the resolution of this date, passing the bill, entitled "An act to explain and amend an act, entitled 'An act making further provision for the payment of the debts of the United States,' the bill being still in the possession of the Senate;"

It passed in the negative.

The Vice President signed the enrolled "resolution requesting the President of the United States, to cause a communication to be made to the National Assembly of France, respecting the late Benjamin Franklin," and it was delivered to the Committee on Enrolled Bills, to be laid before the President of the United States for his approbation.

The bill sent from the House of Representatives for concurrence, entitled "An act fixing the time for the next annual meeting of Congress," was read the first time, as follows:

An act fixing the time for the next annual meeting of Congress.

1     Sec. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
2     ed States of America in Congress assembled, That, after the third day of March  
3     next, the first annual meeting of Congress shall be on the fourth Monday of Octo-  
4     ber next.

1791, February the 24th. Passed the House of Representatives.

*Ordered*, That this bill pass to the second reading.

Agreeably to notice given yesterday, it was moved that the Senate agree to the following resolutions, to wit:

*Resolved*, That it be a standing rule, that the doors of the Senate Chamber remain open whilst the Senate shall be sitting in a legislative capacity, except on such occasions as, in their judgment, may require secrecy; and that this rule shall commence and be in force on the first day of the next session of Congress.

*Resolved*, That the Secretary of the Senate, request the commissioners of the city and county of Philadelphia, to cause a proper gallery to be erected for the accommodation of an audience. And, after debate hereon,

The Senate adjourned to 11 o'clock to-morrow.

### FRIDAY, FEBRUARY 25, 1791.

The Senate assembled: present as yesterday.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they did, on the 24th instant, lay before the President of the United States the enrolled bill, entitled "An act regulating the number of Representatives to be chosen by the states of Kentucky and Vermont."



The Senate proceeded to the second reading of the bill sent from the House of Representatives for concurrence, entitled "An act fixing the time for the next annual meeting of Congress."

On motion to substitute 'the first Monday of April,' for 'the fourth Monday of October,' section first, lines third and fourth,

It passed in the negative.

*Ordered*, That this bill pass to the third reading.

A message from the President of the United States, by Mr. Lear, his Secretary:

*Mr. President*: The President of the United States has this day approved and signed two acts which originated in the Senate; one,

'An act to incorporate the subscribers to the Bank of the United States;' the other,

'An act regulating the number of Representatives to be chosen by the states of Kentucky and Vermont.' And he withdrew.

The act to incorporate the subscribers to the Bank of the United States, (as it passed both Houses of Congress, and was approved the 25th February, 1791) is as follows:

An act to incorporate the subscribers to the Bank of the United States.

1 Whereas it is conceived that the establishment of a bank for the United States,  
2 upon a foundation sufficiently extensive to answer the purposes intended thereby,  
3 and at the same time upon the principles which afford adequate security for an  
4 upright and prudent administration thereof, will be very conducive to the success-  
5 ful conducting of the national finances; will tend to give facility to the obtaining of  
6 loans for the use of the government, in sudden emergencies; and will be produc-  
7 tive of considerable advantages to trade and industry in general: therefore,

1 *Sec. 1.* Be it enacted by the Senate and House of Representatives of the Unit-  
2 ed States of America in Congress assembled, That a bank of the United States  
3 shall be established; the capital stock whereof shall not exceed ten millions of  
4 dollars, divided into twenty-five thousand shares, each share being four hundred  
5 dollars; and that subscriptions towards constituting the said stock shall, on the  
6 first Monday of April next, be opened at the city of Philadelphia, under the su-  
7 perintendence of such persons, not less than three, as shall be appointed for that  
8 purpose by the President of the United States, (who is hereby empowered to  
9 appoint the said persons accordingly,) which subscriptions shall continue open  
10 until the whole of the said stock shall have been subscribed.

1 *Sec. 2.* And be it further enacted, That it shall be lawful for any person, co-  
2 partnership, or body politic, to subscribe for such or so many shares as he, she, or  
3 they, shall think fit, not exceeding one thousand, except as shall be hereafter di-  
4 rected relatively to the United States; and that the sums respectively subscribed,  
5 except on behalf of the United States, shall be payable one fourth in gold and  
6 silver, and three fourths in that part of the public debt, which, according to the  
7 loan proposed in the fourth and fifteenth sections of the act, entitled, "An act  
8 making provision for the debt of the United States," shall bear an accruing inter-  
9 est at the time of payment of six per centum per annum, and shall also be payable  
10 in four equal parts in the aforesaid ratio of specie to debt, at the distance of six  
11 calendar months from each other; the first whereof shall be paid at the time of  
12 subscription.

1 *Sec. 3.* And be it further enacted, That all those who shall become subscribers to  
2 the said bank, their successors and assigns, shall be, and are hereby, created and  
3 made a corporation and body politic, by the name and stile of *The President, Di-*  
4 *rectors, and Company, of the Bank of the United States*, and shall so continue until  
5 the fourth day of March, one thousand eight hundred and eleven: And by that  
6 name shall be, and are hereby made, able and capable in law to have, purchase,  
7 receive, possess, enjoy, and retain, to them and their successors, lands, rents, tene-  
8 ments, hereditaments, goods, chattels, and effects of what kind, nature, or quality  
9 soever, to an amount not exceeding in the whole fifteen millions of dollars, includ-  
10 ing the amount of the capital stock aforesaid; and the same to sell, grant, demise,  
11 alien, or dispose of; to sue and be sued, plead and be impleaded, answer and be  
12 answered, defend and be defended, in courts of record, or any other place what-  
13 soever: And also to make, have, and use, a common seal, and the same to break,  
14 alter, and renew, at their pleasure; and, also, to ordain, establish, and put in exe-  
15 cution, such by-laws, ordinances, and regulations, as shall seem necessary and  
16 convenient for the government of the said corporation, not being contrary to law,  
17 or to the constitution thereof; (for which purpose general meetings of the stock-  
18 holders shall and may be called by the directors, and in the manner hereinafter

19 specified,) and generally to do and execute all and singular acts, matters, and  
20 things, which to them it shall or may appertain to do; subject, nevertheless, to the  
21 rules, regulations, restrictions, limitations, and provisions, hereinafter prescribed  
22 and declared.

1     Sec. 4. And be it further enacted, That, for the well ordering of the affairs of  
2 the said corporation, there shall be twenty-five directors; of whom there shall be  
3 an election on the first Monday of January in each year, by the stockholders or  
4 proprietors of the capital stock of the said corporation, and by plurality of the  
5 votes actually given, and those who shall be duly chosen at any election shall  
6 be capable of serving as directors by virtue of such choice, until the end or ex-  
7 piration of the Monday of January next ensuing the time of such election, and no  
8 longer. And the said directors, at their first meeting after each election, shall  
9 choose one of their number as president.

1     Sec. 5. Provided always, and be it further enacted, That, as soon as the sum of  
2 four hundred thousand dollars, in gold and silver, shall have been actually receiv-  
3 ed on account of the subscriptions to the said stock, notice thereof shall be  
4 given by the persons under whose superintendence the same shall have been  
5 made, in at least two public gazettes printed in the city of Philadelphia; and the  
6 said persons shall, at the same time, in like manner, notify a time and place within  
7 the said city, at the distance of ninety days from the time of such notification, for  
8 proceeding to the election of directors; and it shall be lawful for such election to  
9 be then and there made, and the persons who shall then and there be chosen  
10 shall be the first directors, and shall be capable of serving by virtue of such choice,  
11 until the end or expiration of the Monday in January next ensuing the time of  
12 making the same, and shall forthwith thereafter commence the operations of the  
13 said bank, at the said city of Philadelphia: And provided further, That, in case  
14 it should at any time happen that an election of directors should not be made  
15 upon any day when, pursuant to this act, it ought to have been made, the said  
16 corporation shall not for that cause be deemed to be dissolved; but it shall be  
17 lawful on any other day to hold and make an election of directors, in such man-  
18 ner as shall have been regulated by the laws and ordinances of the said corpora-  
19 tion: And provided, lastly, That, in case of the death, resignation, absence from  
20 the United States, or removal of a director by the stockholders, his place may be  
21 filled up by a new choice for the remainder of the year.

1     Sec. 6. And be it further enacted, That the directors for the time being shall  
2 have power to appoint such officers, clerks, and servants under them, as shall be  
3 necessary for executing the business of the said corporation, and to allow them  
4 such compensation for their services, respectively, as shall be reasonable; and shall  
5 be capable of exercising such other powers and authorities for the well govern-  
6 ing and ordering of the affairs of the said corporation, as shall be described, fixed,  
7 and determined, by the laws, regulations, and ordinances, of the same.

1     Sec. 7. And be it further enacted, That the following rules, restrictions, limi-  
2 tations, and provisions, shall form and be fundamental articles of the constitution  
3 of the said corporation, viz:

1     1. The number of votes, to which each stockholder shall be entitled, shall be  
2 according to the number of shares he shall hold, in the proportions following, that  
3 is to say: For one share, and not more than two shares, one vote: For every two  
4 shares above two, and not exceeding ten, one vote: For every four shares above  
5 ten, and not exceeding thirty, one vote: For every six shares above thirty, and not  
6 exceeding sixty, one vote: For every eight shares above sixty, and not exceeding  
7 one hundred, one vote: And for every ten shares above one hundred, one vote;  
8 but no person, co-partnership, or body politic, shall be entitled to a greater num-  
9 ber than thirty votes. And, after the first election, no share or shares shall con-  
10 fer a right of suffrage which shall not have been holden three calendar months  
11 previous to the day of election. Stockholders actually resident within the United  
12 States, and none other, may vote in elections by proxy.

1     2. Not more than three-fourths of the directors in office, exclusive of the Presi-  
2 dent, shall be eligible for the next succeeding year; but the director, who shall  
3 be President at the time of an election, may always be re-elected.

1     3. None but a stockholder, being a citizen of the United States, shall be eligible  
2 as a director.

1     4. No director shall be entitled to any emolument, unless the same shall have  
2 been allowed by the stockholders at a general meeting. The stockholders shall  
3 make such compensation to the President, for his extraordinary attendance at the  
4 bank, as shall appear to them reasonable.



- 1 5. Not less than seven directors shall constitute a board for the transaction of  
2 business, of whom the President shall always be one, except in case of sickness  
3 or necessary absence; in which case, his place may be supplied by any other di-  
4 rector whom he, by writing under his hand, shall nominate for the purpose.
- 1 6. Any number of stockholders, not less than sixty, who together shall be pro-  
2 prietors of two hundred shares or upwards, shall have power, at any time, to call  
3 a general meeting of the stockholders, for purposes relative to the institution,  
4 giving at least ten weeks notice in two public gazettes of the place where the  
5 bank is kept, and specifying, in such notice, the object or objects of such meet-  
6 ing.
- 1 7. Every cashier, or treasurer, before he enters upon the duties of his office,  
2 shall be required to give bond, with two or more sureties, to the satisfaction of  
3 the directors, in a sum not less than fifty thousand dollars, with condition for his  
4 good behavior.
- 1 8. The lands, tenements, and hereditaments, which it shall be lawful for the said  
2 corporation to hold, shall be only such as shall be requisite for its immediate accom-  
3 modation in relation to the convenient transacting of its business, and such as shall  
4 have been *bona fide* mortgaged to it by way of security, or conveyed to it in satis-  
5 faction of debts previously contracted in the course of its dealings, or purchased  
6 at sales upon judgments which shall have been obtained for such debts.
- 1 9. The total amount of the debts which the said corporation shall at any time  
2 owe, whether by bond, bill, note, or other contract, shall not exceed the sum of  
3 ten millions of dollars, over and above the moneys then actually deposited in the  
4 bank for safe keeping, unless the contracting of any greater debt shall have been  
5 previously authorized by a law of the United States. In case of excess, the di-  
6 rectors, under whose administration it shall happen, shall be liable for the same  
7 in their natural and private capacities; and an action of debt may, in such case, be  
8 brought against them or any of them, their or any of their heirs, executors, or ad-  
9 ministrators, in any court of record of the United States, or either of them, by any  
10 creditor or creditors of the said corporation, and may be prosecuted to judgment  
11 and execution; any condition, covenant, or agreement, to the contrary notwith-  
12 standing: but this shall not be construed to exempt the said corporation, or the  
13 lands, tenements, goods, or chattels, of the same from being also liable for, and  
14 chargeable with, the said excess. Such of the said directors who may have been  
15 absent when the said excess was contracted or created, or who may have dissent-  
16 ed from the resolution or act whereby the same was so contracted or created, may  
17 respectively exonerate themselves from being so liable, by forthwith giving notice  
18 of the fact, and of their absence or dissent, to the President of the United States,  
19 and to the stockholders, at a general meeting, which they shall have power to  
20 call for that purpose.
- 1 10. The said corporation may sell any part of the public debt, whereof its stock  
2 shall be composed, but shall not be at liberty to purchase any public debt what-  
3 soever; nor shall directly or indirectly deal or trade in any thing except bills of  
4 exchange, gold or silver bullion, or in the sale of goods really and truly pledged  
5 for money lent and not redeemed in due time; or of goods which shall be the  
6 produce of its lands. Neither shall the said corporation take more than at the  
7 rate of six *per centum per annum*, for or upon its loans or discounts.
- 1 11. No loan shall be made by the said corporation for the use or on account of  
2 the government of the United States to an amount exceeding one hundred thou-  
3 sand dollars, or of any particular state to an amount exceeding fifty thousand dol-  
4 lars, or of any foreign prince or state, unless previously authorised by a law of the  
5 United States.
- 1 12. The stock of the said corporation shall be assignable and transferable ac-  
2 cording to such rules as shall be instituted in that behalf by the laws and ordi-  
3 nances of the same.
- 1 13. The bills obligatory and of credit, under the seal of the said corporation,  
2 which shall be made to any person or persons, shall be assignable by endorsement  
3 thereupon, under the hand or hands of such person or persons, and of his, her,  
4 or their, assignee or assignees, and so as absolutely to transfer and vest the pro-  
5 perty thereof in each and every assignee or assignees successively, and to enable  
6 such assignee or assignees to bring and maintain an action thereupon in his, her,  
7 or their, own name or names. And bills or notes which may be issued by order  
8 of the said corporation, signed by the President, and countersigned by the prin-  
9 cipal Cashier, or Treasurer, thereof, promising the payment of money to any per-  
10 son or persons, his, her, or their, order, or to bearer, though not under the

11 seal of the said corporation, shall be binding and obligatory upon the same, in  
12 the like manner, and with the like force and effect, as upon any private person  
13 or persons, if issued by him or them, in his, her, or their, private or natural capa-  
14 city or capacities; and shall be assignable and negotiable in like manner as if they  
15 were so issued by such private person or persons: that is to say, those which  
16 shall be payable to any person or persons, his, her, or their, order, shall be as-  
17 signable by endorsement, in like manner, and with the like effect, as foreign bills  
18 of exchange now are; and those which are payable to bearer shall be negotiable  
19 and assignable by delivery only.

1 14. Half-yearly dividends shall be made of so much of the profits of the bank  
2 as shall appear to the directors advisable; and once in every three years the di-  
3 rectors shall lay before the stockholders, at a general meeting, for their informa-  
4 tion, an exact and particular statement of the debts which shall have remained  
5 unpaid after the expiration of the original credit, for a period of treble the term  
6 of that credit; and of the surplus of profit, if any, after deducting losses and divi-  
7 dends. If there shall be a failure in the payment of any part of any sum sub-  
8 scribed by any person, co-partnership, or body politic, the party failing shall lose  
9 the benefit of any dividend which may have accrued prior to the time for making  
10 such payment and during the delay of the same.

1 15. It shall be lawful for the directors aforesaid, to establish offices whereso-  
2 ever they shall think fit, within the United States, for the purposes of discount  
3 and deposit only, and upon the same terms and in the same manner as shall be  
4 practised at the bank, and to commit the management of the said offices, and the  
5 making of the said discounts, to such persons, under such agreements, and sub-  
6 ject to such regulations, as they shall deem proper; not being contrary to law or  
7 to the constitution of the bank.

1 16. The officer at the head of the Treasury Department of the United States  
2 shall be furnished, from time to time, as often as he may require, not exceeding  
3 once a week, with statements of the amount of the capital stock of the said corpora-  
4 tion, and of the debts due to the same; of the moneys deposited therein, of the  
5 notes in circulation, and of the cash in hand; and shall have a right to inspect such  
6 general accounts in the books of the bank as shall relate to the said statements;  
7 Provided, that this shall not be construed to imply a right of inspecting the ac-  
8 count of any private individual or individuals with the bank.

1 Sec. 8. And be it further enacted, That if the said corporation, or any person  
2 or persons, for or to the use of the same, shall deal or trade in buying or selling  
3 any goods, wares, merchandize, or commodities, whatsoever, contrary to the pro-  
4 visions of this act, all and every person and persons, by whom any order or direc-  
5 tion for so dealing or trading shall have been given, and all and every person and  
6 persons who shall have been concerned as parties or agents therein, shall forfeit  
7 and lose treble the value of the goods, wares, merchandises, and commodities, in  
8 which such dealing and trade shall have been; one half thereof to the use of the  
9 informer and the other half thereof to the use of the United States, to be recover-  
10 ed with costs of suit.

1 Sec. 9. And be it further enacted, That, if the said corporation shall advance  
2 or lend any sum for the use or on account of the government of the United  
3 States, to an amount exceeding one hundred thousand dollars; or of any particu-  
4 lar state, to an amount exceeding fifty thousand dollars; or of any foreign prince  
5 or state, (unless previously authorized thereto by a law of the United States,) all  
6 and every person and persons by and with whose order, agreement, consent, ap-  
7 probation, or connivance, such unlawful advance or loan shall have been made,  
8 upon conviction thereof shall forfeit and pay, for every such offence, treble the  
9 value or amount of the sum or sums which shall have been so unlawfully ad-  
10 vanced or lent; one-fifth thereof to the use of the informer, and the residue there-  
11 of to the use of the United States; to be disposed of by law, and not otherwise.

1 Sec. 10. And be it further enacted, That the bills or notes of the said corpo-  
2 ration, originally made payable, or which shall have become payable on demand,  
3 in gold and silver coin, shall be receivable in all payments to the United States.

1 Sec. 11. And be it further enacted, That it shall be lawful for the President  
2 of the United States, at any time or times, within eighteen months after the first  
3 day of April next, to cause a subscription to be made to the stock of the said cor-  
4 poration, as part of the aforesaid capital stock of ten millions of dollars, on behalf  
5 of the United States, to an amount not exceeding two millions of dollars; to be  
6 paid out of the moneys which shall be borrowed by virtue of either of the acts,  
7 the one entitled "An act making provision for the debt of the United States;"



8 and the other entitled "An act making provision for the reduction of the public  
9 debt;" borrowing of the bank an equal sum, to be applied to the purposes for  
10 which the said moneys shall have been procured; reimbursable in ten years, by  
11 equal annual instalments, or at any time sooner, or in any greater proportions that  
12 the government may think fit.

1 Sec. 12. And be it further enacted, That no other bank shall be established by  
2 any future law of the United States during the continuance of the corporation  
3 hereby created; for which the faith of the United States is hereby pledged.

January 20, 1791—Passed the Senate.

February 9th, 1791—Passed the House of Representatives.

For the other act this day approved, see February 11th.

The act for the admission of the district of Kentucky into this Union, as approved  
February 4th, 1791, is here subjoined.

An act declaring the consent of Congress that a new state be formed within the ju-  
risdiction of the Commonwealth of Virginia, and admitted into this Union, by the  
name of the State of Kentucky.

1 Whereas the Legislature of the Commonwealth of Virginia, by an act, entitled  
2 "An act concerning the erection of the district of Kentucky into an independ-  
3 ent state," passed the eighteenth day of December, one thousand seven hundred  
4 and eighty-nine, have consented that the district of Kentucky, within the jurisdic-  
5 tion of the said Commonwealth, and according to its actual boundaries at the  
6 time of passing the act aforesaid, should be formed into a new state: And where-  
7 as a convention of delegates, chosen by the people of the said district of Kentuc-  
8 ky, have petitioned Congress to consent that, on the first day of June, one thou-  
9 sand seven hundred and ninety-two, the said district should be formed into a new  
10 state, and received into the Union by the name of the State of Kentucky:

1 Sec. 1. Be it enacted by the Senate and House of Representatives of the United  
2 States of America in Congress assembled, and it is hereby enacted and declared, That  
3 the Congress doth consent that the said district of Kentucky, within the jurisdic-  
4 tion of the Commonwealth of Virginia, and according to its actual boundaries on  
5 the eighteenth day of December, one thousand seven hundred and eighty-nine,  
6 shall, upon the first day of June, one thousand seven hundred and ninety-two, be  
7 formed into a new state, separate from, and independent of, the said Common-  
8 wealth of Virginia.

1 Sec. 2. And be it further enacted and declared, That, upon the aforesaid first  
2 day of June, one thousand seven hundred and ninety-two, the said new state, by  
3 the name and style of the State of Kentucky, shall be received and admitted in-  
4 to this Union as a new and entire member of the United States of America.

January 4, 1791—Originated in the Senate.

January 28, 1791—Passed the House of Representatives.

*Ordered*, That the Secretary acquaint the House of Representatives that the act, en-  
titled "An act to incorporate the subscribers to the Bank of the United States," and  
the act, entitled "An act regulating the number of representatives to be chosen by  
the states of Kentucky and Vermont," were this day approved and signed by the Pre-  
sident of the United States.

A communication from the Secretary of the Treasury, explaining the terms on  
which the loan of three millions of florins, mentioned by the President of the United  
States to have been negotiated, was read, as follows:

The Secretary of the Treasury, in obedience to the orders of the President of the  
United States, as signified in his speech at the opening of the present session, respect-  
fully informs the Senate and House of Representatives—

That the terms of the loan of three millions of florins, mentioned by the President  
as having been negotiated in Holland, are as follow:

The rate of interest is five per cent.; but the charges form a deduction from the  
principal sum of four and an half per cent.; which will occasion the real interest to  
be paid on the sum actually received by the United States, to be equal to five and a  
quarter per cent. nearly

The reimbursement is to be made in six equal instalments, commencing in the year  
1800, and ending in the year 1804; but it is in the option of the United States to re-  
imburse the whole or any part of the sum borrowed at any time they may think proper.

That the disposition which has been made of the above mentioned sum, is as fol-  
lows:

One million five hundred thousand florins has been applied, pursuant to the direc-  
tions of the President of the United States, as a payment to France.

A further sum of about one hundred and sixty thousand florins will also have been appropriated towards a payment on account of the Dutch loans which became due on the first day of February last, including a premium of seventy thousand florins.\*

The residue is in a situation to be disposed of as may be judged expedient.

A doubt arises how far this loan may be within the meaning of the "act making provision for the reduction of the public debt," on account of the limitation of the rate of interest, which, taking the charges of the loan into calculation, would be somewhat exceeded; and though it is presumed that that limitation was not intended to exclude the addition of the ordinary charges, yet a point of so much delicacy appears to require legislative explanation.

The Secretary of the Treasury begs leave to observe, that it is, in his judgment, highly expedient, and very important to the general operations of the Treasury, that the above mentioned loan should be deemed to be included within the meaning of the aforesaid act. The residue may, in this case, be applied with material advantage to the purposes of that act, and the part which has been otherwise applied may be hereafter replaced. All which is humbly submitted.

ALEXANDER HAMILTON,

*Secretary of the Treasury.*

*Treasury Department, February 24, 1791.*

*Ordered,* That this report lie for consideration.

The Senate resumed the consideration of the motion made yesterday, to wit:

*Resolved,* That it be a standing rule that the doors of the Senate chamber remain open whilst the Senate shall be sitting in their legislative capacity, except on such occasions as, in their judgment, may require secrecy; and that this rule shall commence and be in force on the first day of the next session of Congress.

On this motion the yeas and nays were required by one-fifth of the Senators present:

YEAS.—Messrs. Butler, Foster, Gunn, Hawkins, King, Lee, Maclay, Monroe, and Schuyler—9.

NAYS.—Messrs. Bassett, Carroll, Dalton, Dickinson, Ellsworth, Elmer, Few, Henry, Johnson Johnston, Izard, Langdon, Morris, Read, Stanton, Strong, Wingate.—17.

So it passed in the negative.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives have passed a bill, entitled "An act supplemental to the act establishing the Treasury Department," in which they desire the concurrence of the Senate. And he withdrew.

The petition of Shubael Swain was read, praying remission of a fine incurred for the breach of the revenue laws, for reasons mentioned in his petition.

*Ordered,* That this petition lie on the table.

The bill sent from the House of Representatives for the relief of Shubael Swain, and on the sixth of January not concurred in by the Senate, is as follows:

**An act for the relief of Shubael Swain.**

1 Whereas it appears that Shubael Swain, a prisoner in the gaol of the city of  
2 Philadelphia, on account of a breach of the revenue laws, is insolvent, and has  
3 suffered a long imprisonment—

1 Be it enacted by the Senate and House of Representatives of the United States  
2 of America in Congress assembled, That the right and interest of the United  
3 States in a certain judgment for four hundred dollars, with costs of suit, recover-  
4 ed in the district court of Pennsylvania, in the month of April, one thousand se-  
5 ven hundred and ninety, against Shubael Swain, under the act, entitled "An act  
6 to regulate the collection of the duties imposed by law on the tonnage of ships and  
7 vessels, and on goods, wares, and merchandizes, imported into the United States,"  
8 shall be, and the same is hereby, remitted and released unto the said Shubael  
9 Swain.

1791, January 4th—Passed the House of Representatives.

Agreeably to the order of the day, the Senate resumed the second reading of the "bill to amend an act, entitled 'An act for establishing the temporary and permanent seat of the government of the United States.'"

On motion that the consideration hereof be postponed, the yeas and nays were required by one-fifth of the Senators present:

YEAS.—Messrs. Bassett, Dalton, Dickinson, Ellsworth, Elmer, Foster, Johnson, King, Maclay, Stanton, Strong, and Wingate.—12



**NAYS.**—Messrs. Butler, Carroll, Few, Gunn, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Monroe, Morris, Read, and Schuyler.—14.

So it passed in the negative.

On motion that the first clause of this bill be agreed to, to wit: from line first, to the word 'provided,' line fourteenth; the yeas and nays were required by one-fifth of the Senators present:

**YEAS.**—Messrs. Butler, Carroll, Few, Gunn, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Monroe, Morris, Read, and Schuyler.—14.

**NAYS.**—Messrs. Bassett, Dalton, Dickinson, Ellsworth, Elmer, Foster, Johnson, King, Maclay, Stanton, Strong, and Wingate.—12.

So it passed in the affirmative.

*Ordered,* That this bill pass to the third reading.

Mr. Ellsworth reported, from the managers appointed to confer with the managers on the part of the House of Representatives, on the amendments to the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same."

*Ordered,* That the report lie for consideration.

The bill sent from the House of Representatives for concurrence, entitled "An act supplementary to the act, entitled 'An act to incorporate the subscribers to the Bank of the United States,'" was read the third time.

On motion to add the following, as a section to the bill:

Sec. — And be it further enacted, That the term 'law,' used in the third section of the original act, which requires that the by-laws, ordinances, and regulations, of the said corporation, shall not be contrary to law or the constitution thereof, shall be construed to mean the laws of the individual states, as well as of the United States."

It passed in the negative.

On motion to adopt the following, as an addition to the bill:

And be it further enacted, That nothing in the act to which this is a supplement, shall restrain the legislature of the United States from repealing the same; and abolishing the corporation thereby established, at any time after the fourth day of March, in the year one thousand eight hundred and two, the yeas and nays were required by one fifth of the Senators present:

**YEAS.**—Messrs. Butler, Carroll, Few, Gunn, Hawkins, Johnston, Izard, Lee, and Monroe.—9.

**NAYS.**—Messrs. Bassett, Dalton, Dickinson, Ellsworth, Elmer, Foster, Henry, Johnson, King, Langdon, Maclay, Morris, Read, Schuyler, Stanton, Strong, and Wingate.—17.

So it passed in the negative.

*Resolved,* That this bill pass.

*Ordered,* That the Secretary acquaint the House of Representatives with the concurrence of the Senate in this bill.

The bill sent from the House of Representatives for concurrence, entitled "An act supplemental to the act establishing the Treasury Department," was read the first time, as follows:

An act supplemental to the act establishing the Treasury Department.

1    Sec. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
2    ed States of America in Congress assembled, That the eighth section of the act,  
3    entitled "An act to establish the Treasury Department," passed the second day of  
4    September, one thousand seven hundred and eighty nine, shall be, and the same  
5    is hereby, extended to all and every of the clerks employed in the Treasury De-  
6    partment, as fully and effectually as if they and every of them were specially nam-  
7    ed therein; except as to the penalty in such section mentioned, which, in case of  
8    any such clerk offending against the provisions of the said section, shall be five  
9    hundred dollars, and removal from office.

1    Sec. 2. And be it further enacted, That each and every clerk and other officer  
2    already appointed in any of the departments of the United States, (and who have  
3    not, since their appointment, taken the oath or affirmation hereafter mentioned)  
4    shall, within fifteen days after the passing of this act, and those who shall hereaf-  
5    ter be appointed, shall, before they enter upon the duties of such appointment,  
6    take an oath or affirmation before one of the justices of the supreme court, or one  
7    of the judges of a district court of the United States, to support the constitution  
8    of the United States; and, also, an oath or affirmation, well and faithfully to exe-  
9    cute the trust committed to him: which oaths or affirmations subscribed by such

10 clerk, and certified by the person administering the same, shall be filed in the of-  
11 fice of the person employing such clerk.

1     Sec. 3. And be it further enacted, That it shall and may be lawful for the prin-  
2 cipal in any of the offices of the United States, who is authorised by law to ap-  
3 point clerks under him, to allow to each clerk such compensation for his services  
4 as he shall, in the opinion of such officer, deserve for the same: Provided, that the  
5 whole sum to be expended for clerks, in any such office, (except the chief clerk,)  
6 shall not exceed a sum equal to five hundred dollars for every clerk employed  
7 therein.

1791, Feb. 25: Passed the House of Representatives.

*Ordered*, That this bill pass to the second reading, and that, in the mean time, it be printed for the use of the Senate.

The Senate adjourned to 11 o'clock to-morrow.

### SATURDAY, FEBRUARY 26, 1791.

The Senate assembled: present as yesterday.

Mr. Morris communicated the request of the American Philosophical Society, "that the Vice President of the United States and Senate would attend the eulogium to be pronounced by order of the society, to the memory of their late worthy President Benjamin Franklin, on Tuesday morning next, at the German Lutheran Church, at half past nine o'clock."

The bill to amend an act, entitled "An act for establishing the temporary and permanent seat of the government of the United States," was read the third time.

*Resolved*, That this bill pass; that the title thereof be "An act to amend an act, entitled 'An act for establishing the temporary and permanent seat of the government of the United States,'" that it be engrossed, and that the Secretary desire the concurrence of the House of Representatives therein.

The bill sent from the House of Representatives for concurrence, entitled "An act supplemental to the act establishing the Treasury Department," was read the second time; and,

*Ordered*, That this bill be referred to the committee appointed the 24th February, on the motions respecting the officers of the Department of the Treasury and the attorney general.

The bill sent from the House of Representatives for concurrence, entitled "An act fixing the time for the next annual meeting of Congress," was read the third time.

*Resolved*, That this bill pass.

*Ordered*, That the Secretary acquaint the House of Representatives with the concurrence of the Senate in this bill.

Agreeably to notice on the 21st instant, leave was requested to bring in "a bill concerning the payment of balances due to the United States in certain cases," and it being obtained, the bill was laid on the table and read the first time, as follows:

An act concerning the payment of balances due to the United States, in certain cases.

1     Sec. 1. Be it enacted by the Senate and House of Representatives of the United  
2 States of America in Congress assembled, That, in every case of the settlement of  
3 an account at the Treasury of the United States, (in which, if a balance had been  
4 or should be found against the United States, such balance would have been or  
5 would be liquidated by a certificate,) if a balance has been or shall be found in fa-  
6 vor of the United States, it shall be lawful for the person or persons from whom  
7 such balance is or shall be due, to pay or satisfy the same, in certificates of debt  
8 due from the United States, of the like tenor, and upon the like principles, as if  
9 such balance had been found against the United States.

*Ordered*, That this bill pass to the second reading.

Mr. Strong reported, from the committee appointed to take into consideration the bill sent from the House of Representatives for concurrence, entitled "An act to establish offices for the purpose of granting lands within the territories of the United States," that the further consideration of this bill be postponed until the next session of Congress.

On motion, it was agreed to postpone the report of the committee, and to resume the second reading of the bill; and, after debate,

*Ordered*, That this bill be recommitted.

A message from the House of Representatives, by Mr. Beckley, their Clerk.

*Mr. President*: The House of Representatives recede from their disagreement to



the amendment last proposed by the Senate, to the last clause of the section to follow section sixty first of the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same;" and they agree to the amendment, amended as follows: After the word 'exceed,' substitute these words, 'seven *per cent.* of the whole product of the duties arising from the spirits distilled within the United States: And provided, also, That such allowance shall not exceed the annual amount of forty-five thousand dollars, until the same shall be further ascertained by law.' And he withdrew.

The report from the managers appointed to confer with the managers appointed on the part of the House of Representatives, on the disagreeing votes of the two Houses, to the last clause of the section to follow section sixty first of the last mentioned bill, was considered; whereupon,

*Resolved*, That the Senate do agree to the resolution of the House of Representatives, on the clause above referred to, and that the amendment thereon be as follows: After the word 'exceed,' substitute these words, 'seven *per cent.* of the whole product of the duties arising from the spirits distilled within the United States: And provided, also, that such allowance shall not exceed the annual amount of forty five thousand dollars, until the same shall be further ascertained by law.'

*Ordered*, That the Secretary communicate this resolution to the House of Representatives.

Mr. Ellsworth, from the committee to whom was referred the bill sent from the House of Representatives for concurrence, entitled "An act supplemental to the act establishing the Treasury Department," reported amendments; which were adopted; and,

*Ordered*, That this bill pass to the third reading.

The Senate adjourned to Monday next, at 11 o'clock.

### MONDAY, FEBRUARY 28, 1791.

The Senate assembled: present as on the 26th;

And proceeded to the third reading of the bill sent from the House of Representatives for concurrence, entitled "An act supplemental to the act establishing the Treasury Department;" and,

*Resolved*, That this bill pass, with the following amendments:

SEC. 3. Line 6, after 'dollars,' insert '*per annum.*'

At the end of the bill, add

SEC. 4. And be it further enacted by the authority aforesaid, That there shall be allowed, for one year, commencing with the passing of this act, to the Register, two hundred and fifty dollars, and to the Auditor, the Comptroller of the Treasury, and the Attorney General, four hundred dollars each, in addition to their respective salaries, and to be paid in the same manner.

To the title add, 'and for a further compensation to certain officers.'

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in these amendments.

The bill concerning the payment of balances due to the United States, in certain cases, was read the second time.

On motion that this bill be postponed,

It passed in the negative.

*Ordered*, That this bill be committed to Messrs. Strong, Lee, and Schuyler, to consider generally and report thereon.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act concerning the rates of foreign coins," in which they desire the concurrence of the Senate:

They agree to the amendments of the Senate, to the bill, entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers," with amendments; in which amendments to the amendments, they desire the concurrence of the Senate. And he withdrew.

The amendments of the House of Representatives on the amendments of Senate, to the last mentioned bill, are:

SEC. 10. Second amendment. In the second line of the bill strike out the word 'more.' In the same line, substitute 'will' for 'would;' and in the third line strike out the word 'than,' and in lieu thereof insert 'in addition to or in place of the.'

In the fifth line of the amendment of the Senate, strike out the word 'of,' and insert 'not exceeding.'

Sec. 12. Line 5th of the bill, make the word 'cases,' singular.

Same line, after 'wounds,' substitute 'or' for 'and.'

In the last of the sections proposed to be added to the bill, line fifth, after 'annum,' insert 'or to apply any moneys which he may have borrowed by virtue of any law of the United States, to the purposes of this act.'

Line seventh, after the word 'aforesaid,' insert 'or for replacing the moneys which may be so applied.'

The bill sent from the House of Representatives for concurrence, entitled "An act concerning the rates of foreign coins," was read the first time, as follows:

1     Sec. 1. Be it enacted by the Senate and House of Representatives of the  
2     United States of America in Congress assembled, That so much of an act, enti-  
3     tled "An act to provide more effectually for the collection of the duties imposed  
4     by law on goods, wares, and merchandise, imported into the United States, and  
5     on the tonnage of ships or vessels," as hath rated the rix dollar of Denmark at  
6     one hundred cents, be, and the same is hereby, repealed; and that this repeal  
7     shall be deemed to operate in respect to all duties which have already arisen or  
8     accrued, as well as to such as shall hereafter arise or accrue.

1     Sec. 2. And be it further enacted, That the Secretary of the Treasury be au-  
2     thorized and directed to estimate the value of the several denominations of fo-  
3     reign coin which are not estimated by law, and that the collectors of the customs,  
4     in their valuation of such foreign coin, be required to conform to the estimate  
5     thereof which shall be made by the Secretary of the Treasury, pursuant to this  
6     act.

February 28, 1791: Sent from the House of Representatives for concurrence.

*Ordered,* That this bill pass to the second reading.

The Senate took into consideration the resolution of the House of Representatives, on their amendments to the amendments of the Senate, to the bill, entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers," and, after progress, the further consideration thereof was postponed until to-morrow.

Mr. Strong reported from the committee to whom was referred the bill concerning the payment of balances due to the United States, in certain cases;" whereupon,

*Ordered,* That the further consideration of this bill be postponed to the next session of Congress.

The Senate adjourned to 11 o'clock to-morrow.

## TUESDAY, MARCH 1, 1791.

The Senate assembled: present as yesterday.

Mr. Foster reported, from the Committee on Enrolled Bills, that they had examined the following bills, and that they are duly enrolled: The bill, entitled "An act giving effect to the laws of the United States within the State of Vermont." The bill, entitled "An act fixing the time for the next annual meeting of Congress." The bill, entitled "An act to explain and amend an act, entitled 'An act making further provision for the payment of the debts of the United States.'" The bill, entitled "An act supplementary to the act, entitled 'An act to incorporate the subscribers to the Bank of the United States.'" And the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from broad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same."

The bill sent from the House of Representatives for concurrence, entitled "An act concerning the rates of foreign coins," was read the second time; and,

*Ordered,* That it be committed to Messrs. Schuyler, Monroe, and Maclay, to consider generally and report thereon.

The petition of John M'Pherson was read, praying an exclusive patent, in consequence of certain inventions mentioned in his petition.

*Ordered,* That this petition lie on the table.

The consideration of the resolution of the House of Representatives, on the amendments of the Senate to the bill, entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers," was resumed; and,

*Resolved,* That the Senate agree to all the amendments of the House of Represen-



tatives, on the amendments of the Senate, except the two last, to which the Senate do not agree.

*Ordered*, That the Secretary communicate this resolution to the House of Representatives.

Mr. Morris reported, from the committee appointed February 7th, on the report of the Secretary of the Treasury, relative to the establishment of a mint; and the report was ordered to lie for consideration.

Mr. Izard reported, from the committee to whom was referred the report of the Secretary of State, on the subject of weights, measures, and coins, "that, as a proposition has been made to the National Assembly of France, for obtaining a standard of measure, which shall be invariable, and communicable to all nations, and at all times, as a similar proposition has been submitted to the British Parliament, in their last session; as the avowed object of these is, to introduce an uniformity in the measures and weights of the commercial nations; as a coincidence of regulation, by the government of the United States, on so interesting a subject, would be desirable, your committee are of opinion, that it would not be eligible, at present, to introduce any alteration in the measures and weights which are now used in the United States."

And the report was adopted.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The Speaker of the House of Representatives has signed several enrolled bills, which I am directed to bring to the Senate for the signature of the Vice President." And he withdrew.

Whereupon, the Vice President signed the following enrolled bills, and they were delivered to the committee, to be laid before the President of the United States for his approbation, to wit: The bill, entitled "An act giving effect to the laws of the United States within the state of Vermont;" the bill, entitled "An act fixing the time for the next annual meeting of Congress;" the bill, entitled "An act to explain and amend an act, entitled 'An act making further provision for the payment of the debts of the United States,'" the bill, entitled "An act supplementary to the act, entitled 'An act to incorporate the subscribers to the Bank of the United States,'" and, the bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and, also, upon spirits distilled within the United States, and for appropriating the same."

On motion, that it be "resolved that a committee be appointed, to join with a committee of the House of Representatives, to wait on the President of the United States and communicate to him the desire of both Houses of Congress, that he would cause every proper means to be used to bring about a peace between the United States and the Wabash and Miami Indians, previous to further hostilities on those nations; and that Congress will make provision to defray the necessary expense thereof:"—

A motion was made to add to the motion as follows: "And likewise to obtain from such tribes a relinquishment of their claims to the territory of the United States, wherein it can be accomplished, so as to make the same a more productive fund for the payment of the public debt."

And the consideration hereof was postponed until to-morrow.

Mr. Schuyler, from the committee on the bill sent from the House of Representatives for concurrence, entitled "An act concerning the rates of foreign coins," reported amendments, and it was agreed to amend the bill accordingly.

It was agreed, by unanimous consent, so far to dispense with the rule, as that this bill be now read the third time; and, the bill having been read accordingly,

*Resolved*, That this bill pass, with the following amendments:

Expunge the whole of the second section.

In the title, after the word 'act,' expunge the whole, and substitute 'relative to the rix dollar of Denmark.'

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in these amendments.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed the bill sent from the Senate for concurrence, entitled "An act to amend 'An act for establishing the temporary and permanent seat of the government of the United States.'"

They agree to the amendments of the Senate on the bill, entitled "An act supplemental to the act establishing the Treasury Department, and for a further compensation to certain officers."

They have passed the bill, entitled "An act for making compensations to the commissioners of loans, for extraordinary expenses," and the bill, entitled "An act providing compensations for the officers of the judicial courts of the United States, and for

jurors and witnesses, and for other purposes;" in which two last mentioned bills they desire the concurrence of the Senate. And he withdrew.

The bill sent from the House of Representatives for concurrence, entitled "An act for making compensations to the commissioners of loans for extraordinary expenses," was read the first time, as follows:

An act for making compensations to the commissioners of loans, for extraordinary expenses.

1 SEC. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
2 ed States of America in Congress assembled, That the commissioners of loans in  
3 the several states shall be allowed, in the settlement of their accounts, such sums  
4 as shall appear to have been necessarily expended by them in the purchase of  
5 stationery for the use of their several offices, from the commencement of the  
6 same to the first day of October next.

1 SEC. 2. And be it further enacted, That the commissioners of loans in the se-  
2 veral states shall be allowed, in the settlement of their several accounts, such  
3 sums as they shall have necessarily expended for the hire of clerks to assist in  
4 executing the duties of their several offices, from the commencement of the  
5 same to the first day of October next, excepting only the hire of one clerk for  
6 the several commissioners in the states of Massachusetts, New-York, Pennsylva-  
7 nia, and Virginia

March 1, 1791: Passed the House of Representatives.

Ordered, That this bill pass to the second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes," was read the first time, as follows:

An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes.

1 SEC. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
2 ed States of America in Congress assembled, That there be allowed to the se-  
3 veral officers following, in addition to the fees (except mileage to the marshals)  
4 to which they are otherwise by law entitled, and also to jurors and witnesses,  
5 in the courts of the United States, the following respective compensations, that  
6 is to say; To the attorney of the United States for the district, for his expenses  
7 and time in travelling from the place in the state where the office of the clerk  
8 of the district court is kept, to the other place in the district where a circuit  
9 court is directed to be held, at the rate of ten cents per mile going, and the  
10 same allowance for returning: To the clerk of the district court, for attending in  
11 the district or circuit court, five dollars per day, and the like compensation for  
12 travelling as is above allowed to the attorney for the district: To the clerk of  
13 the supreme court, for attending in court, eight dollars per day: To the marshal  
14 of the district, for attending the supreme, circuit, or district courts, five dollars  
15 per day; for summoning grand jury three dollars, and for summoning a petit jury  
16 two dollars, and for serving a writ five cents per mile from the place where  
17 the office of the clerk of the district court is kept to the place where  
18 the writ shall be served; but there shall not in any case be an allowance  
19 of mileage to the marshals exceeding one hundred miles; to the grand  
20 and petit jurors, each, fifty cents per day, for attending in court, and for travel-  
21 ling, at the rate of fifty cents for every ten miles, from their respective places  
22 of abode, to the place where the court is held, and the like allowance for return-  
23 ing; to witnesses summoned on the part of the United States, or in behalf of  
24 any prisoner to be tried for any capital offence in any of the courts thereof, the  
25 same compensation as is above allowed to grand and petit jurors. That the se-  
26 veral officers above specified shall be deemed to have been entitled to the  
27 above respective compensations, from the time of their respective appointments,  
28 and that the grand and petit jurors and witnesses who have heretofore attended  
29 shall also be deemed entitled to the above compensation, in like manner as  
30 those who shall hereafter attend. That there shall also be paid to the marshal  
31 the amount of the expense for fuel, candles, and other reasonable contingencies  
32 for holding a court, as hath accrued or shall accrue, and the compensations to the  
33 grand and petit jurors, and witnesses, shall be included in the account of and  
34 paid to the marshal, to the use of, and be by him accordingly paid over to, the  
35 several persons entitled to the same: And the accounts of the several officers  
36 for the compensations aforesaid, (except mileage to the marshal, for the ser-  
37 vice of writs in civil causes,) having been previously examined and certified by



38 the judge of the district, shall be passed in the usual manner at, and the amount  
39 thereof paid out of, the Treasury of the United States. And a sum arising from  
40 the fines and forfeitures to the United States, and equal to the amount thereof, is  
41 hereby appropriated for the payment of the above accounts.

1 SEC. 2. And be it further enacted, That, instead of the provisions in that  
2 respect heretofore made, the first session of the circuit courts in the eastern  
3 circuit, after the passing of this act, shall commence at the times following, that  
4 is to say : In New-York district on the fifth, and in Connecticut district on the  
5 twenty-fifth, days of April next; in Massachusetts district on the twelfth, and in  
6 New-Hampshire district, on the twenty-fourth, days of May next; and in Rhode  
7 Island district on the seventh day of June next; and the subsequent sessions in  
8 the respective districts on the like days of every sixth calendar month thereafter,  
9 except when any of those days shall happen on a Sunday, and then the sessions  
10 shall commence on the next day following. And the sessions of the said circuit  
11 court shall be held in New-Hampshire district at Portsmouth and Exeter alter-  
12 nately, beginning at the first; in Massachusetts district at Boston; in Rhode-Island  
13 district at Newport and Providence alternately, beginning at the first; in Connec-  
14 ticut district at Hartford and New-Haven alternately, beginning at the last; and  
15 in New-York district at the city of New-York only.

1 SEC. 3. And be it further enacted, That, from and after the passing of this act,  
2 instead of the provisions in the act for that purpose, the sessions of the circuit  
3 court for the district of Virginia shall be holden in the city of Richmond only.

1 SEC. 4. And be it further enacted, That this act shall continue in force until  
2 the end of the next session of Congress, and no longer.

March 1, 1791: Passed the House of Representatives.

*Ordered*, That this bill pass to the second reading, and that, in the mean time, it be printed for the use of the Senate.

*Ordered*, That Messrs. Schuyler, Ellsworth, and Butler, be a committee to revise the laws of the United States, to report such as are expired, or are about to expire, and a bill or bills for the revival of such as may be deemed necessary.

Mr. Langdon, from the committee appointed to consider that part of the speech of the President of the United States which relates to the commerce of the Mediterranean, and to whom was referred the message from the President of the United States of the 30th December, and papers, together with his message of 22d February, reported a bill, which was read the first time, as follows :

An act making an appropriation for the purposes therein mentioned.

1 SEC. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
2 ed States of America in Congress assembled, That, for the purpose of effecting  
3 a recognition of the treaty of the United States with the new emperor of Morocco,  
4 there be, and hereby is, appropriated a sum not exceeding twenty thousand  
5 dollars, to be paid out of the moneys which, prior to the first day of January  
6 next, shall arise from the duties imposed upon spirits distilled within the United  
7 States, and from stills, by the act, entitled "An act repealing, after the last day  
8 of June next, the duties heretofore laid upon distilled spirits imported from  
9 abroad, and laying others in their stead; and also upon spirits distilled within the  
10 United States, and for appropriating the same;" together with the excess of du-  
11 ties which may arise from the duties imposed by the said act on imported spirits,  
12 beyond those which would have arisen by the act, entitled "An act making fur-  
13 ther provision for the payment of the debts of the United States;" and the Pre-  
14 sident is hereby authorised to take on loan the whole sum by this act appropriat-  
15 ed, or so much thereof as he may judge requisite, at an interest not exceeding  
16 six per cent. per annum, and the fund established for the abovementioned appro-  
17 priation is hereby pledged for the payment of the principal and interest of any  
18 loan to be obtained in manner aforesaid; and, in case of any deficiency in the said  
19 fund, the faith of the United States is hereby also pledged to make good such  
20 deficiency.

March 2, 1791: Passed the Senate.

It was agreed, by unanimous consent, so far to dispense with the rule, as that this bill be now read the second time.

On motion to commit the bill, with an instruction to augment the sum therein appropriated to sixty thousand dollars,

It passed in the negative.

*Ordered*, That this bill pass to the third reading.

Mr. Strong reported from the committee appointed to take into consideration the

bill, entitled "An act to establish offices for the purpose of granting lands within the territories of the United States." Whereupon,

*Resolved*, By the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he hereby is, requested to cause a return to be made to Congress, at their next session, of the quantity and situation of the lands not claimed by the Indians, nor granted to nor claimed by any of the citizens of the United States, within the territory ceded to the United States by the state of North Carolina, and within the territory of the United States northwest of the river Ohio.

*Ordered*, That the Secretary request the concurrence of the House of Representatives in this resolution.

*Ordered*, That the further consideration of the bill last mentioned be postponed until the next session of Congress.

The Senate adjourned to 11 o'clock to-morrow.

### WEDNESDAY, MARCH 2, 1791.

The Senate assembled: present as yesterday.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives recede from their two last amendments to the amendments of the Senate, to the bill, entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers;" and

They agree to the amendments of the Senate on the bill, entitled "An act concerning the rates of foreign coin."

The House of Representatives have passed the bill, entitled "An act to continue in force, for a limited time, an act, entitled 'An act for the temporary establishment of the Post-Office;'" the bill, entitled "An act for making compensation to the widows and orphan children of certain officers who were killed, or who died in the service of the United States, during the late war; and for the relief of certain invalids, and other persons therein mentioned;" and the bill, entitled "An act supplementary to the act making provision for the reduction of the public debt;" in which three last mentioned bills they desire the concurrence of the Senate.

I am directed to bring to the Senate several enrolled bills, which are signed by the Speaker of the House of Representatives, for the signature of the Vice President.—And he withdrew.

Mr. Foster reported, from the Committee on Enrolled Bills, that they did, yesterday, lay before the President of the United States, the following enrolled bills, for his approbation:

The bill, entitled, "An act giving effect to the laws of the United States within the state of Vermont;"

The bill, entitled "An act fixing the time for the next annual meeting of Congress;"

The bill, entitled "An act to explain and amend an act, entitled 'An act making further provision for the payment of the debts of the United States;'"

The bill, entitled "An act supplementary to the act, entitled 'An act to incorporate the subscribers to the Bank of the United States;'"

The bill, entitled "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also, upon spirits distilled within the United States, and for appropriating the same;"

And the resolution, "requesting the President of the United States to cause to be communicated to the National Assembly of France the peculiar sensibility of Congress to the tribute paid to the memory of Benjamin Franklin."

He also reported, from the same committee, that they had examined the following bills, and that they were duly enrolled:

The bill, entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers;"

The bill, entitled "An act supplemental to the act establishing the Treasury Department, and for a further compensation to certain officers;" and

The bill, entitled "An act to amend 'An act for establishing the temporary and permanent seat of government of the United States.'"

A message from the President of the United States, by Mr. Lear, his Secretary:

*Mr. President*: The President of the United States has this day approved and signed a resolution, which originated in the Senate, requesting that the President of the Unit-



ed States would cause to be communicated to the National Assembly of France the sense which Congress have of the tribute paid to the memory of Benjamin Franklin." And he withdrew.

Mr. Schuyler, from the committee appointed to revise the laws of the United States, reported a bill, which was read the first time, as follows :

An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers.

1     Sec. 1. Be it enacted by the Senate and House of Representatives of the United  
2     States of America in Congress assembled, That the act, entitled "An act to pro-  
3     vide for mitigating or remitting the forfeitures and penalties accruing under the  
4     revenue laws, in certain cases therein mentioned," shall be, and is hereby, contin-  
5     ued in force until the end of the next session of Congress, and no longer.

1     Sec. 2. And be it further enacted, That the yearly pensions which have been  
2     allowed by, or in pursuance of, any act or law of the United States, to persons who  
3     were wounded and disabled during the late war, shall, for the space of one year  
4     from the 4th day of March next, be paid out of the Treasury of the United States,  
5     under such regulations as the President of the United States may direct.

1     Sec. 3. And be it further enacted, That all expenses which shall accrue from  
2     the first day of July next, inclusively, for the necessary support, maintenance, and  
3     repairs, of all light-houses, beacons, buoys, and public piers, shall continue to be  
4     defrayed by the United States, until the first day of July, in the year one thou-  
5     sand seven hundred and ninety-two, notwithstanding such light-houses, beacons,  
6     buoys, or public piers, with the lands and tenements thereunto belonging, and  
7     the jurisdiction of the same, shall not, in the meantime, be ceded to, or vested in,  
8     the United States, by the state or states, respectively, in which the same may be;  
9     and that the said time be further allowed to the states, respectively, to make  
10    such cession.

March 2, 1791: Originated in Senate.

*Ordered*, That this bill pass to the second reading.

The bill sent from the House of Representatives for concurrence, entitled "An act for making compensation to the widows and orphan children of certain officers, who were killed or who died in the service of the United States, during the late war; and for the relief of certain invalids and other persons therein mentioned," was read the first time, as follows:

An act for making compensation to the widows and orphan children of certain officers who were killed, or who died in the service of the United States, during the late war; and for the relief of certain invalids, and other persons therein mentioned.

1     Sec. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
2     ed States of America in Congress assembled, That the Register of the Treasury  
3     shall, and he hereby is required to, grant to the orphan children of the late cap-  
4     tain Robert Lewis, who died while in the service of the United States, a certifi-  
5     cate to entitle them to a sum equal to an annuity of seven years half pay of a cap-  
6     tain; to commence the twenty-second day of March, one thousand seven hundred  
7     and seventy-seven, in conformity to the act of the late Congress, passed on the  
8     twenty-fourth day of August, one thousand seven hundred and eighty; that the  
9     said certificate be liquidated, and granted upon similar principles with the other  
10    debts of the United States. That the said Register grant, in like manner, to Han-  
11    nah Douglass, widow of the late colonel William Douglass, who died in the ser-  
12    vice of the United States, a certificate to entitle her to a sum equal to an annuity  
13    of seven years half pay of a colonel; to commence the fifteenth day of May, one  
14    thousand seven hundred and seventy-seven. That the said Register grant, in the  
15    like manner, and upon similar principles, to Anne Roberts, widow of the late co-  
16    lonel Owen Roberts, who was killed while in the service of the United States, a  
17    certificate to entitle her to a sum equal to an annuity of seven years half pay of co-  
18    lonel of artillery; to commence as from the twentieth day of June, one thousand  
19    seven hundred and seventy-nine: Provided, it shall first be made to appear that  
20    the said annuity or seven years half pay, or any part thereof, has not been paid by  
21    the state of South Carolina; and in case any part of the said annuity shall have  
22    been paid by the said state, the said Register shall grant a certificate only for the  
23    balance which remains unpaid. That the said Register grant, in like manner, to  
24    the orphan children of the late major Andrew Leitch, who was killed while in the  
25    service of the United States, a certificate to entitle them to a sum equal to an an-  
26    nuity of seven years half pay of a major; to commence as from the sixteenth day

27 of September, one thousand seven hundred and seventy-six. That the said Re-  
 28 gister grant, in like manner, to the orphan children of the late captain William  
 29 White, who was killed while in the service of the United States, a certificate to  
 30 entitle them to a sum equal to an annuity of seven years half pay of a captain; to  
 31 commence as from the fifteenth day of October, one thousand seven hundred and  
 32 eighty-one. That the said Register grant, in like manner, to the orphan children  
 33 of the late lieutenant John Harris, who was killed while in the service of the Unit-  
 34 ed States, a certificate to entitle them to a sum equal to an annuity of seven years  
 35 half pay of a lieutenant; to commence as from the fifteenth day of December, one  
 36 thousand seven hundred and seventy-seven.

1 SEC. 2. And be it further enacted, That the Secretary for the Department of  
 2 War be, and he hereby is, required to place on the invalid list Timothy Mix, disa-  
 3 bled in the late war, by the loss of his right hand, while in the service of the Unit-  
 4 ed States, at the rate of the half pay of a lieutenant of artillery; to commence on  
 5 the fourth day of November, one thousand seven hundred and eighty-three: Provid-  
 6 ed, That the said Timothy Mix shall first return the amount of the commuta-  
 7 tion of the half pay for life which he has received. That the said Secretary place  
 8 on the invalid list Abel Turney, mariner, disabled while in the service of the Unit-  
 9 ed States, at the rate of one dollar per month; to commence on the first day of  
 10 January, one thousand seven hundred and eighty-one.

1 SEC. 3. And be it further enacted, That the arrears of the said pensions be paid  
 2 as the laws direct in similar cases.

1 SEC. 4. And be it further enacted, That the Comptroller of the Treasury be,  
 2 and he hereby is, directed to adjust the accounts of Joseph Pannil, a lieutenant-  
 3 colonel in the service of the United States, during the late war, and to allow him  
 4 the usual commutation of the half pay for life of a lieutenant-colonel; and that  
 5 the Register of the Treasury be, and he hereby is, required to grant a certificate  
 6 for the amount thereof accordingly. That the said Comptroller adjust the ac-  
 7 count of the late brigadier-general De Haas, admitting to the credit of the said  
 8 account such sums as by evidence shall appear to have been advanced for the  
 9 public service; and that the said Register do grant a certificate for the balance due  
 10 on such settlement. That the said Comptroller adjust the account of Thomas  
 11 McIntire, a captain in the service of the United States, during the late war, and  
 12 allow him the usual commutation of the half pay for life of a captain; and that the  
 13 said Register grant a certificate for the amount thereof accordingly.

1 SEC. 5. And be it further enacted, That the Comptroller of the Treasury be,  
 2 and he is hereby, required to adjust the account of Francis Suzor Debevere, a  
 3 surgeon's-mate, in the service of the United States, during the late war, and who  
 4 remained in captivity to the end thereof; and that the Register of the Treasury  
 5 be, and he hereby is, required to grant a certificate for the amount which shall be  
 6 found due for the services of the said Francis Suzor Debevere. That the said  
 7 Comptroller adjust the account of Robert King, as a lieutenant deranged upon the  
 8 principles of the act of the late Congress, passed the twenty fourth day of Novem-  
 9 ber, one thousand seven hundred and seventy eight; and that the said Register  
 10 grant a certificate accordingly. That the said Comptroller adjust the account of  
 11 Lemuel Sherman, as a sailing-master of a galley on Lake Champlain, and as such  
 12 taken prisoner; and that the said Register grant a certificate accordingly.

1 SEC. 6. And be it further enacted, That there be granted to Nicholas Ferdi-  
 2 nand Westfall, who left the British service, and joined the army of the United  
 3 States, during the late war, one hundred acres of unappropriated land in the wes-  
 4 tern territory of the United States, free of all charges; and, also, the sum of three  
 5 hundred and thirty six dollars, out of any money appropriated to the contingent  
 6 charges of government.

March 2, 1791: Passed the House of Representatives.

It was agreed, by unanimous consent, that the rule be so far dispensed with, as that  
 this bill be now read the second time.

*Ordered*, That this bill be committed to Messrs. Wingate, Strong, and Carroll, to con-  
 sider and report thereon.

The bill sent from the House of Representatives for concurrence, entitled "An act  
 supplementary to the act making provision for the reduction of the public debt," was  
 read the first time, as follows:

An act supplementary to the act making provision for the reduction of the public debt.

1 Whereas it hath been made known to Congress that the President of the United  
 2 States, in consequence of the several acts, the one entitled "An act making pro-  
 3 vision for the debt of the United States;" the other, entitled "An act making pro-



vision for the reduction of the public debt;" or one of them, hath caused a certain loan to be made in Holland, on account of the United States, to the amount of three millions of florins, bearing an interest of five per centum per annum, and reimbursable in six yearly instalments, commencing in the year one thousand eight hundred and ending in the year one thousand eight hundred and six, or at any time sooner, in whole or in part, at the option of the United States.

And whereas it hath been also stated to Congress, that the charges upon the said loan have amounted to four and a half per centum, whereby a doubt hath arisen whether the said loan be within the meaning of the said last mentioned act, which limits the rate of interest to five per centum per annum;

And whereas it is expedient that the said doubt be removed:

SEC. 1. Be it enacted and declared by the Senate and House of Representatives of the United States of America in Congress assembled, That the loan aforesaid shall be deemed and construed to be within the true intent and meaning of the said act, entitled "An act making provision for the reduction of the public debt;" and that any further loan, to the extent of the principal sum authorized to be borrowed by the said act, the interest whereof shall be five per centum per annum, and the charges whereof shall not exceed the said rate of four and a half per centum, shall, in like manner, be deemed and construed to be within the true intent and meaning of the said act.

March 1, 1791: Passed the House of Representatives.

It was agreed, by unanimous consent, so far to dispense with the rule, as that this bill pass to the second reading at this time; and, after progress, the further consideration of this bill was postponed until to-morrow.

The bill sent from the House of Representatives for concurrence, entitled "An act to continue in force, for a limited time, an act, entitled "An act for the temporary establishment of the Post-Office," was read the first time, as follows:

An act to continue in force, for a limited time, an act, entitled "An act for the temporary establishment of the post office."

SEC. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act passed the first session of Congress, entitled "An act for the temporary establishment of the post office, be, and the same is hereby, continued in full force until the end of the next session of Congress, and no longer.

SEC. 2. And be it further enacted, That no law of any state shall operate to impede or obstruct the stage carriages which shall be employed by virtue of this act in conveying the mail of the United States, or to prevent passengers being carried in such carriages, or to subject the owners or drivers of such carriages to any penalty or tax on account of such employment.

SEC. 3. And be it further enacted, That all letters to and from the Treasurer, Comptroller, and Auditor of the Treasury, and the assistant of the Secretary of the Treasury, on public service, shall be received and conveyed by the post free of postage.

1791, March 1: Passed the House of Representatives.

*Ordered*, That this bill pass to the second reading.

The Vice President signed the following enrolled bills, and they were delivered to the committee, to be laid before the President of the United States, for his approbation.

The bill, entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers;"

The bill, entitled "An act supplemental to the act establishing the Treasury Department, and for a further compensation to certain officers;" and,

The bill, entitled "An act to amend 'an Act for establishing the temporary and permanent seat of the government of the United States.'"

The bill, entitled "An act making an appropriation for the purpose therein mentioned," was read the third time.

*Resolved*, That this bill pass; that the title thereof be "An act making an appropriation for the purpose therein mentioned;" that the bill be engrossed, and that the Secretary desire the concurrence of the House of Representatives therein.

The bill sent from the House of Representatives for concurrence, entitled "An act for making compensations to the commissioners of loans for extraordinary expenses," was read the second time.

*Ordered*, That this bill be committed to Messrs. Langdon, Schuyler, and Ellsworth, to consider and report thereon.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives have passed the bill sent from the Senate for concurrence, entitled "An act concerning consuls and vice-consuls," with amendments, in which amendments they desire the concurrence of the Senate.

They have passed the bill, entitled "An act in addition to an act, entitled 'An act for establishing the salaries of the executive officers of government, with their assistants and clerks,'" in which they desire the concurrence of the Senate.

The President of the United States has notified the House of Representatives that he has this day approved and signed several acts which originated in that House; a list of which I am directed to bring to the Senate. And he withdrew.

The acts this day approved and signed by the President of the United States, are,  
 "An act giving effect to the laws of the United States within the state of Vermont;"

"An act to explain and amend an act, entitled 'An act making further provision for the payment of the debts of the United States;'"

"An act supplementary to the act, entitled 'An act to incorporate the subscribers to the Bank of the United States;" and,

"And an act fixing the time for the next annual meeting of Congress."

The bill, entitled "An act in addition to an act, entitled 'An act for establishing the salaries of the executive officers of government, with their assistants and clerks,'" was read the first time, as follows:

An act in addition to an act, entitled "An act for establishing the salaries of the executive officers of government, with their assistants and clerks."

1     SEC. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
 2     ed States of America in Congress assembled, That, from and after the passing of  
 3     this act, there shall be allowed to the chief clerk of the Auditor the annual sum  
 4     of two hundred dollars, in addition to the salary allowed to him by the act, enti-  
 5     tled "An act establishing the salaries of the executive officers of government,  
 6     with their assistants and clerks;" to be paid at the Treasury of the United States,  
 7     in quarterly payments; and from like appropriations as may be assigned for the  
 8     payment of the other salaries mentioned in the above recited act."

1791, March 2: Passed the House of Representatives.

It was agreed, by unanimous consent, so far to dispense with the rule, as that this bill have the second reading at this time.

✓ *Ordered,* That this bill pass to the third reading.

The amendments of the House of Representatives, proposed in their resolution of March 2d, on the bill sent from the Senate for concurrence, entitled "An act concerning consuls and vice consuls," was taken into consideration.

The bill, as it passed the Senate, is as followeth:

#### An act concerning consuls and vice consuls.

1     For carrying into full effect the convention between his Most Christian Majesty  
 2     and the United States of America, entered into for the purpose of defining and  
 3     establishing the functions and privileges of their respective consuls and vice  
 4     consuls:

1     SEC. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
 2     ed States of America in Congress assembled, That where, in the seventh article  
 3     of the said convention, it is agreed that when there shall be no consul or vice con-  
 4     sul of the Most Christian King, to attend to the saving of the wreck of any French  
 5     vessel stranded on the coasts of the United States, or that the residence of the said  
 6     consul or vice consul (he not being at the place of the wreck) shall be more dis-  
 7     tant from the said place than that of the competent judge of the country, the lat-  
 8     ter shall immediately proceed to perform the office therein prescribed; the near-  
 9     est district judge of the United States shall proceed therein according to the ten-  
 10    or of the said article. The district judges of the United States shall also, within  
 11    their respective districts, be the competent judges for the purposes expressed in  
 12    the ninth article of the said convention, and it shall be incumbent on them to give  
 13    aid to the consuls and vice consuls of his Most Christian Majesty, in arresting and  
 14    securing deserters from vessels of the French nation, according to the tenor of the  
 15    said article.

16    And where, by any article of the said convention, the consuls and vice consuls of  
 17    his Most Christian Majesty are entitled to the aid of the competent executive offi-  
 18    cers of the country, in the execution of any precept, the marshals of the United  
 19    States, and their deputies, shall, within their respective districts, be the compe-  
 20    tent officers, and shall give their aid according to the tenor of the stipulations.

21    And whenever commitments to the jails of the country shall become necessary,  
 22    in pursuance of any stipulation of the said convention, they shall be to such jails



23 within the respective districts as other commitments under the authority of the  
24 United States are by law made.

1 SEC. 2. And, for the direction of the consuls and vice consuls of the United  
2 States, in certain cases,

3 Be it enacted by the authority aforesaid, That they shall have right in the ports  
4 or places to which they are or may be severally appointed, of receiving the pro-  
5 tests or declarations, and all other acts, which such captains, masters, crews, pas-  
6 sengers, and merchants, as are citizens of the United States, may respectively choose  
7 to make there; and also their testaments and other disposals by last will: and the  
8 copies of the said acts, duly authenticated by the said consuls or vice consuls, under  
9 the seal of their consulates, respectively, shall be evidence in all courts of justice  
10 of the United States. It shall be their duty, in case of the absence of the legal re-  
11 presentative, and where the laws of the country permit, to take possession of the  
12 personal estate left by any citizen of the United States, who shall die within their  
13 consulate; they shall inventory the same, with the assistance of two merchants of  
14 the United States, or, for want of them, of any others at their choice; shall collect the  
15 debts due to the deceased, in the country where he died, and pay the debts due  
16 from his estate, which he shall have there contracted; shall sell such part of the  
17 estate as shall be of a perishable nature, and such further part, if any, as shall  
18 be necessary for the payment of his debts, and at the expiration of one year from his  
19 decease, the residue; and the balance of the estate they shall transmit to the Trea-  
20 sury of the United States, to be holden in trust for the legal claimants. But if, at any  
21 time before such transmission, the legal representative of the deceased shall ap-  
22 pear and demand his effects in their hands, they shall deliver them up, being paid  
23 their fees, and shall cease their proceedings.

24 For the information of the representative of the deceased, it shall be the duty  
25 of the consul or vice consul, authorised to proceed as aforesaid in the settlement  
26 of his estate, immediately to notify his death in one of the gazettes published in  
27 the consulate, and also to the Secretary of State, that the same may be notified in  
28 the state to which the deceased shall belong; and he shall also, as soon as may be,  
29 transmit to the Secretary of State an inventory of the effects of the deceased, ta-  
30 ken as before directed.

1 SEC. 3. And be it further enacted, That the said consuls and vice consuls, in ca-  
2 ses where ships or vessels of the United States shall be stranded on the coasts of  
3 their consulates, respectively, shall, as far as the laws of the country will permit,  
4 take proper measures, as well for the purpose of saving the said ships or vessels,  
5 their cargoes and appurtenances, as for storing and securing the effects and mer-  
6 chandize saved, and for taking an inventory or inventories thereof; and the mer-  
7 chandize and effects saved, with the inventory or inventories thereof, taken as afore-  
8 said, shall, after deducting therefrom the expense, be delivered to the owner or  
9 owners: Provided that no consul or vice consul shall have authority to take pos-  
10 session of any such goods, wares, merchandize, or other property, when the mas-  
11 ter, owner, or consignee thereof, is present or capable of taking possession of the  
12 same.

1 SEC. 4. And be it further enacted, That it shall and may be lawful for every  
2 consul and vice-consul of the United States to take and receive the following fees  
3 of office, for the services which he shall have performed:

4 For authenticating, under the consular seal, every protest, declaration, letter of  
5 attorney, last will and testament, deposition, or other act, which such captains,  
6 masters, mariners, seamen, passengers, merchants, or others, as are citizens of  
7 the United States, may respectively choose to make, the sum of two dollars.

8 For the taking into possession, inventorying, selling, and finally settling and  
9 paying, or transmitting, as aforesaid, the balance due on the personal estate left  
10 by any citizen of the United States, who shall die within the limits of his consu-  
11 late, five per centum on the gross amount of such estate.

12 For taking into possession, and otherwise proceeding on, any such estate which  
13 shall be delivered over to the legal representative before a final settlement of  
14 the same, as is hereinbefore directed, two and a half *per centum* on such part  
15 delivered over as shall not be in money, and five *per centum* on the gross amount  
16 of the residue.

17 And it shall be the duty of the consuls and vice-consuls of the United States  
18 to give receipts for all fees which they shall receive by virtue of this act, ex-  
19 pressing the particular services for which they are paid.

1 SEC. 5. And be it further enacted, That, in case it be found necessary for the  
2 interest of the United States, that a consul or consuls be appointed to reside on

3 the coast of Barbary, the President be authorized to allow an annual salary, not  
4 exceeding two thousand dollars, to each person so to be appointed: Provided  
5 that such salary be not allowed to more than one consul for any one of the states  
6 on the said coast.

1 SEC. 6. And be it further enacted, That every consul and vice-consul shall,  
2 before they enter on the execution of their trusts, or if already in the execution  
3 of the same, within one year from the passing of this act, or if resident in Asia,  
4 within two years, give bond, with such sureties as shall be approved by the Se-  
5 cretary of State, in a sum not less than two thousand, nor more than ten thousand  
6 dollars, conditioned for the true and faithful discharge of the duties of his office  
7 according to law; and also for truly accounting for all moneys, goods, and effects,  
8 which may come into his possession by virtue of this act, and the said bond shall  
9 be lodged in the office of the Secretary of the Treasury.

1 SEC. 7. And be it further enacted, That, to prevent the mariners and seamen,  
2 employed in vessels belonging to citizens of the United States, in cases of ship-  
3 wreck, sickness, or captivity, from suffering in foreign ports, it shall be the duty  
4 of the consuls and vice-consuls, respectively, from time to time, to provide for  
5 them in the most reasonable manner, at the expense of the United States, sub-  
6 ject to such instructions as the Secretary of State shall give, and not exceeding  
7 an allowance of twelve cents to a man *per diem*, and all masters and commanders  
8 of vessels belonging to citizens of the United States, and bound to some port of  
9 the same, are hereby required and enjoined to take such mariners or seamen on  
10 board of their ships or vessels, at the request of the said consuls or vice-consuls,  
11 respectively, and to transport them to the port in the United States to which such  
12 ships or vessels may be bound, free of cost or charge; but that the said mariners  
13 or seamen shall, if able, be bound to do duty on board such ships or vessels, ac-  
14 cording to their several abilities: Provided, that no master or captain of any  
15 ship or vessel shall be obliged to take a greater number than two men to every  
16 one hundred tons burthen of said ship or vessel, on any one voyage: And if any  
17 such captain or master shall refuse the same on the request or order of the con-  
18 sul or vice-consul, such captain or master shall forfeit and pay the sum of thirty  
19 dollars for each mariner or seaman so refused; to be recovered for the benefit  
20 of the United States, by the said consul or vice-consul, in his own name, in any  
21 court of competent jurisdiction.

1 SEC. 8. And be it further enacted, That citizens of the United States appoint-  
2 ed to reside in foreign ports and places as consuls or vice-consuls of the United  
3 States, shall be enabled to own any ships or vessels in their own names respec-  
4 tively, or in partnership with any other citizen or citizens of the United States,  
5 residing within the said states, and be entitled to all the privileges and advantages  
6 in regard to such ships or vessels, as if such consuls or vice consuls, owning said  
7 ships or vessels, actually resided within any port or place within the United  
8 States; any law to the contrary notwithstanding.

1 SEC. 9. And be it further enacted, That where a ship or vessel belonging to  
2 citizens of the United States, is sold in a foreign port or place, the master, unless  
3 the crew are liable by their contract, or do consent to be discharged there, shall  
4 send them back to the state where they entered on board, or furnish them  
5 with means sufficient for their return, to be ascertained by the consul or vice-con-  
6 sul of the United States having jurisdiction of the port or place. And in case  
7 of the master's refusal, the said consul or vice-consul may (if the laws of the land  
8 permit it) cause his ship, goods, and person, to be arrested and held until he  
9 shall comply with his duty herein.

1 SEC. 10. And be it further enacted, That the specification of certain powers  
2 and duties in this act, to be exercised or performed by the consuls and vice-con-  
3 suls of the United States, shall not be construed to the exclusion of others result-  
4 ing from the nature of their appointments, or any treaty or convention under  
5 which they may act.

January 27, 1791: Passed the Senate.

The amendments of the House of Representatives are, strike out all the bill, except the first section; and amend the title, to read thus: "An act for carrying into effect the convention between his Most Christian Majesty and the United States, respecting consuls and vice consuls."

*Resolved*, That the Senate do not agree to the amendments of the House of Representatives, on the last mentioned bill.

*Ordered*, That the Secretary communicate this resolution to the House of Representatives.

A message from the House of Representatives, by Mr. Beckley, their Clerk:



*Mr. President:* The House of Representatives have passed the bill sent from the Senate for concurrence, entitled "An act making an appropriation for the purpose therein mentioned." And he withdrew.

It was agreed, by unanimous consent, to dispense with the rule so far as that the bill sent from the House of Representatives for concurrence, entitled "An act to continue in force, for a limited time, an act, entitled 'An act for the temporary establishment of the post office,'" be now read the second time;

And it was agreed to expunge the second section of the said bill.

*Ordered,* That this bill pass to the third reading.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives have passed the bill sent from the Senate for concurrence, entitled "An act for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions," with amendments, in which amendments they desire the concurrence of the Senate. And he withdrew.

The bill sent from the Senate to the House of Representatives for concurrence, is as follows:

An act for granting lands to the inhabitants and settlers at Vincennes, and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions.

1     SEC. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
2     ed States of America in Congress assembled, That four hundred acres of land be  
3     given to each of those persons who, in the year one thousand seven hundred and  
4     eighty-three, were heads of families at Vincennes, or in the Illinois country, on  
5     the Mississippi, and who, since that time, have removed from one of the said pla-  
6     ces to the other; and the governor of the territory northwest of the Ohio is here-  
7     by directed to cause the same to be laid out for them, at their own expense, either  
8     at Vincennes, or in the Illinois country as they shall severally elect.

1     SEC. 2. And be it further enacted and declared. That the heads of families at  
2     Vincennes, in the year one thousand seven hundred and eighty three, who after-  
3     wards removed without the limits of the said territory, are notwithstanding enti-  
4     tled to the donation of four hundred acres of land, made by the resolve of Con-  
5     gress of the twenty-ninth of August, one thousand seven hundred and eighty-  
6     eight.

1     SEC. 3. And be it further enacted, That one hundred and fifty acres of land,  
2     heretofore in possession of the Piankeshaw Indians, and now under actual im-  
3     provement, and constituting a part of the village of Vincennes, be given to the  
4     persons who are severally in possession of the said land.

1     SEC. 4. And be it further enacted, That where lands have been actually impro-  
2     ved and cultivated at Vincennes, or in the Illinois country, under a supposed grant  
3     of the same by any commandant or court claiming authority to make such grant,  
4     the governor of the said territory be, and he hereby is, empowered to confirm to  
5     the persons who made such improvements, their heirs or assigns, the lands sup-  
6     posed to have been granted as aforesaid, or such parts thereof as he in his discre-  
7     tion may judge reasonable, not exceeding to any one person four hundred acres.

1     SEC. 5. And be it further enacted, That a tract of land, containing about five  
2     thousand four hundred acres, which, for many years, has been fenced and used by  
3     the inhabitants of Vincennes as a common, be, and the same is hereby, confirmed  
4     to the said inhabitants, to be used as a common, until a division thereof in several-  
5     ty among the said inhabitants shall be directed by law.

1     SEC. 6. And be it further enacted, That the governor of the said territory be  
2     authorised to make a grant of land, not exceeding one hundred acres to each per-  
3     son, who hath not obtained any donation of land from the United States, and who,  
4     on the first day of August, one thousand seven hundred and ninety, was enrolled  
5     in the militia at Vincennes, and has done militia duty; the said land to be laid out  
6     at the expense of the grantees, and in such form and place as the said governor  
7     shall direct.

January 11, 1791: Passed the Senate.

The amendments of the House of Representatives to the last mentioned bill are as follows:

Sec. 2. Line 2, after the word 'Vincennes,' add 'or in the Illinois country.'

Line 6th, after the word 'eight,' add 'and the governor of the said territory, upon application to him for that purpose, is hereby directed to cause the same to be laid out for such heads of families or their heirs, and shall also cause to be laid off and confirmed to such persons the several tracts of land which they may have possessed, and

which, before the year one thousand seven hundred and eighty three, may have been allotted to them, according to the laws and usages of the government under which they had respectively settled: Provided, nevertheless, That if such persons, or their heirs, do not return and occupy the said lands within five years, such lands shall be considered as forfeited to the United States.'

SEC. 5. Line 3, after the word 'common,' insert 'also a tract of land including the villages of Chohos and Prairie du Pont, and heretofore used by the inhabitants of the said villages as a common.'

Same line, after the word 'same,' strike out to the end of the clause, and add 'are hereby appropriated to the use of the inhabitants of Vincennes and of the said villages, respectively, to be used by them as a common, until otherwise disposed of by law.'

SEC. 6. Line 3, after the word 'Vincennes,' insert 'or in the Illinois country;' and to the end of the same line add 'Provided, nevertheless, That no claim founded upon purchase or otherwise, shall be admitted within a tract of land heretofore occupied by the Kaskaskia nation of Indians, and including their village, which is hereby appropriated to the use of the said Indians.'

To the end of the bill, add,

SEC. 7. And be it further enacted, That two lots of land heretofore in the occupation of the priests at Cahokia, and situated near that village, be, and the same is hereby, granted in fee, to P. Gibault; and that a tract of land at Kaskaskia, formerly occupied by the Jesuits, be laid off and confirmed to St. Jame Beouvais, who claims the same in virtue of a purchase thereof.'

SEC. 8. And be it further enacted, That so much of the act of Congress of the twenty-eighth day of August, one thousand seven hundred and eighty-eight, as refers to the locations of certain tracts of land, directed to be run out and reserved for donations to the ancient settlers in the Illinois country, be, and the same is hereby, repealed; and the governor of the said territory is directed to lay out the same agreeably to the act of Congress of the twentieth day of June, one thousand seven hundred and eighty-eight.'

*Ordered*, That these amendments be referred to the committee who were originally appointed to bring in the bill, to consider and report thereon.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act to compensate George Gibson," in which they desire the concurrence of the Senate. And he withdrew.

The bill, entitled "An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes," was read the second time.

*Ordered*, That this bill be committed to Messrs. Ellsworth, Henry, and King, to consider and report thereon.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives insist on their amendments to the bill sent from the Senate for concurrence, entitled "An act concerning consuls and vice consuls."

They have passed the bill, entitled "An act making further provision for the collection of duties by law imposed on teas, and to prolong the term for the payment of the duties on wines," in which they desire the concurrence of the Senate." And he withdrew.

The Senate resumed the consideration of the report of the committee on the subject of the mint, which was agreed to:

Whereupon,

*Resolved*, by the Senate and House of Representatives of the United States of America in Congress assembled, That a mint shall be established, under such regulations as shall be directed by law.

*Resolved*, That the President of the United States be, and he is hereby, authorised to cause to be engaged such artists and workmen as shall be necessary to carry the preceding resolution into effect, and to stipulate the terms and conditions of their service, and also to cause to be procured such apparatus as shall be requisite for the same purpose.

*Ordered*, That the Secretary carry this resolution to the House of Representatives, and desire their concurrence.

Mr. Langdon, from the committee on the bill, entitled "An act for making compen



sations to the commissioners of loans for extraordinary expenses," reported the bill with an amendment;

And the report was agreed to.

*Ordered*, That this bill pass to the third reading.

The Senate took into consideration the resolution of the House of Representatives, insisting on their amendments to the bill, entitled "An act concerning consuls and vice consuls:"

Whereupon,

*Resolved*, That the Senate do adhere to their disagreement to the amendments of the House of Representatives on the said bill.

*Ordered*, that the Secretary acquaint the House of Representatives therewith:

The bill sent from the House of Representatives for concurrence, entitled "An act making further provision for the collection of the duties by law imposed on teas, and to prolong the term for the payment of the duties on wines," was read the first time, as follows:

An Act making further provision for the collection of the duties by law imposed on teas, and to prolong the term for the payment of the duties on wines.

1 Whereas it is conceived that the following regulations concerning teas may be  
2 conducive both to the accommodation of the importers thereof, and to the secu-  
3 rity of the revenue:

1 SEC. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
2 ed States of America in Congress assembled, That, in addition to the provisions  
3 contained in the fortieth and forty first sections of the act, entitled "An act to  
4 provide more effectually for the collection of the duties imposed by law on goods,  
5 wares, and merchandise, imported into the United States, and on the tonnage of  
6 ships or vessels," as they regard the payment, or securing the payment, of the  
7 duties on teas, it shall be lawful for every importer of teas, if he or she shall elect  
8 so to do, to give his or her bond to the collector of the district in which any of  
9 the said teas shall be landed, in double the amount of the duties thereupon, with  
10 condition for the payment of the said duties in two years from the date of such  
11 bond; which bond shall be accepted by such collector, without surety, upon the  
12 terms following; that is to say: the teas, for the duties whereof the said bond shall  
13 be accepted, shall be deposited at the expense and risk of the said importer, in  
14 one or more store-house or store-houses, as the case may require, to be agreed  
15 upon between the said importer and the inspector, or other officer of inspection  
16 of the revenue, for the port where the said teas shall be landed; and upon every  
17 such store-house the said inspector or officer of inspection shall cause to be affix-  
18 ed two locks; the key of one of which locks shall be kept by such importer, his  
19 or her agent, and the key of the other of which locks shall be kept by the said  
20 inspector, or by such other person as he shall depute and appoint in that behalf,  
21 whose duty it shall be to attend at all reasonable times, for the purpose of deliver-  
22 ing the said teas out of the said store-house or store-houses; but no delivery shall  
23 be made of any of the said teas without a permit, in writing, under the hand of  
24 the said inspector or officer of inspection. And, in order to the obtaining of such  
25 permit, it shall be necessary that the duties upon the teas, for which the same shall  
26 be required, be first paid, or, at the option of the party or parties applying for  
27 the same, secured to be paid, in manner following; that is to say: the said party or  
28 parties shall give bond, with one or more surety or sureties, to the satisfaction of  
29 the said inspector, in double the amount of the duties upon the quantity of teas  
30 in each case to be delivered, with condition for the payment of the said duties, if  
31 the same shall not exceed one hundred dollars, in four months; or, if the same  
32 shall exceed one hundred dollars, and shall not exceed five hundred dollars, in  
33 eight months; or, if the same shall exceed five hundred dollars, in twelve months:  
34 Provided, always, That the time to be allowed for the payment of the duties up-  
35 on any parcel of teas to be delivered, shall not be such as to extend the credit for  
36 such duties beyond the term of two years originally allowed upon the depositing  
37 of the said teas.

1 SEC. 2. And be it further enacted, That, if the duties on any parcel of teas,  
2 which shall have been deposited as aforesaid, shall not have been paid or secured  
3 to be paid in manner last specified, within the term of two years, according to the  
4 condition of the obligation to be given to the collector of the district within which  
5 the same shall have been landed, it shall be the duty of the said collector to cause  
6 so much of the said teas as may be necessary to be sold at public auction, and, re-  
7 taining the sum which shall have been so paid or secured of the said duties, to-

8 gether with the expenses of safe-keeping and sale of the said teas, shall return  
9 the overplus, if any, to the owner or owners thereof, his, her, or their, agent or  
10 lawful representative.

1 SEC. 3. And be it further enacted, That the bonds which have been or shall  
2 be directed to be given, by this or any other act, for moneys or duties to be paid  
3 or performed to the United States, shall be taken in the name of the United States  
4 of America, unless special direction shall have been given to take them in some  
5 other name. And the bonds to be taken, as aforesaid, by any inspector of the  
6 revenue, shall be delivered by him forthwith to the collector of the district with-  
7 in which the teas, to which they may relate, shall have been landed, in order to  
8 the collection of the moneys therein specified. And the permits which shall  
9 have been granted by such inspector, for the delivery of any teas out of any store-  
10 house wherein they shall have been deposited, shall be received by such collector  
11 towards satisfying any bond which shall have been in the first instance taken by the  
12 said collector, touching the said teas; which permits shall therefore specify the  
13 amount of the duties which shall have been paid or secured upon the teas to be  
14 delivered in virtue thereof; and the name of the ship or vessel in which they shall  
15 have been imported, and of the importer or importers thereof.

1 SEC. 4. And be it further enacted, That all teas which, after the first day of  
2 April next, shall be imported into the United States from any foreign port or  
3 place, shall be landed under the care of the inspectors of the revenue for the  
4 ports where the same shall be respectively landed; and, for that purpose, every  
5 permit which shall be granted by any collector, for landing the same, shall, prior to  
6 such landing, be produced to the said inspector, who, by an endorsement there-  
7 upon, under his hand, shall signify the production thereof to him, and the time  
8 when; after which, and not otherwise, it shall be lawful to land the teas mentioned  
9 in such permit. And the said inspector shall make an entry of all such permits,  
10 and of the contents thereof; and each chest, box, or package, containing any teas,  
11 shall be marked, by the officer under whose immediate inspection the same shall  
12 be landed, in legible and durable characters, with progressive numbers, and with  
13 the name of the vessel in which the same shall have been imported. And the  
14 said officer shall grant a certificate for each such chest, box, or package, specify-  
15 ing therein the name or names of the importer or importers, the ship or vessel  
16 in which the same shall have been imported, and the number thereof, to accom-  
17 pany the same wheresoever it shall be sent.

1 And whereas, for the payment of the duties accruing on Madeira wines, and  
2 which may be secured by bond, the term of twelve months is allowed, and it is  
3 proper to extend, in like manner, the payment of the duties accruing on other  
4 wines; Therefore,

1 SEC. 5. Be it enacted, That, for the payment of the duties on other than Ma-  
2 deira wines, and which shall be secured by bond, such bond shall be taken with  
3 condition for the payment of the duties in twelve months, in like manner as by  
4 law is directed for the payment of the duties on Madeira wines.

1791, March 2: Passed the House of Representatives.

It was agreed, by unanimous consent, that the rule should be so far dispensed with,  
as that this bill pass to the second reading at this time.

*Ordered*, That this bill be referred to Messrs. Morris, Langdon, and Schuyler, to  
consider and report thereon.

The bill sent from the House of Representatives for concurrence, entitled "An act  
to compensate George Gibson," was read the first time, as follows:

#### An act to compensate George Gibson.

1 SEC. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
2 ed States of America in Congress assembled, That there be allowed and paid to  
3 George Gibson the sum of one thousand dollars, for extraordinary services by  
4 him rendered to the United States during the year one thousand seven hundred  
5 and seventy-six.

1791, March 2: Passed the House of Representatives.

*Ordered*, That this bill pass to the second reading.

The Senate adjourned to 10 o'clock to-morrow.

**THURSDAY, MARCH 3, 1791.**

The Senate assembled: present as yesterday.

Mr. Foster reported, from the joint Committee on Enrolled Bills, that they had this



day laid before the President of the United States, for his approbation, the enrolled bill entitled "An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers;"

An enrolled bill, entitled "An act to amend an act for establishing the temporary and permanent seat of the government of the United States;"

And an enrolled bill, entitled "An act supplemental to the act establishing the Treasury Department, and for a further compensation to certain officers."

He further reported, that the joint committee had examined the enrolled bill, entitled "An act making an appropriation for the purpose therein mentioned;" also, the enrolled bill, entitled "An act relative to the rix dollar of Denmark;" and that they were duly enrolled.

Mr. Morris, from the committee appointed to take into consideration the bill, entitled "An act making further provision for the collection of the duties by law imposed on teas, and to prolong the term for the payment of the duties on wines," reported the bill without amendment, and the bill was read the third time.

*Resolved*, That this bill pass.

*Ordered*, That the Secretary acquaint the House of Representatives of the concurrence of the Senate in this bill.

Mr. Strong reported from the committee appointed to consider the amendments of the House of Representatives to the bill sent by the Senate to that House for concurrence, entitled "An act for granting lands to the inhabitants and settlers at Vincennes, and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions."

Whereupon,

*Resolved*, That the Senate concur with the House of Representatives in the amendments, with an amendment to the amendment proposed in the sixth section, to wit: 'Insert the proviso at the end of the sixth section.'

*Ordered*, That the Secretary desire the concurrence of the House of Representatives herein.

The Senate proceeded in the third reading of the bill, sent from the House of Representatives for concurrence, entitled "An act for making compensations to the commissioners of loans for extraordinary expenses."

*Resolved*, That this bill pass, with an amendment:

Strike out these words, "excepting only the hire of one clerk for the several commissioners in the states of Massachusetts, New York, Pennsylvania, and Virginia."

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the amendment.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The Speaker of the House of Representatives having signed two enrolled bills, I am directed to bring them to the Senate for the signature of the Vice President;

The House of Representatives adhere to their amendments on the bill, entitled "An act concerning consuls and vice consuls;"

They disagree to the amendment of the Senate on the bill, entitled "An act for making compensations to the commissioners of loans, for extraordinary expenses;"

They agree to the resolution sent from the Senate for concurrence, "requesting the President of the United States to cause a return to be made to Congress of the lands not claimed by the Indians," with an amendment, to wit: Line 3 strike out 'a return to be made to,' and insert 'an estimate to be laid before;' in which amendment they desire the concurrence of the Senate. And he withdrew.

The Senate took into consideration the last recited message from the House of Representatives. Whereupon,

*Resolved*, That they adhere to their amendment on the bill, entitled "An act for making compensations to the commissioners of loans for extraordinary expenses."

*Resolved*, That the Senate agree to the amendment of the House of Representatives on "the resolution requesting the President of the United States to cause an estimate to be laid before Congress of the lands not claimed by the Indians."

*Ordered*, That the Secretary acquaint the House of Representatives with these resolutions.

The Vice President affixed his signature to the bill, entitled "An act relative to the rix dollar of Denmark;" and to the bill, entitled "An act making an appropriation for the purpose therein mentioned;" and they were delivered to the Committee on Enrolled Bills, to be laid before the President of the United States for his approbation,

Mr. Foster reported, from the Committee on Enrolled Bills, that they did, this day, lay before the President of the United States, for his approbation, the bill, entitled "An act relative to the six dollar of Denmark;" and the bill, entitled "An act making an appropriation for the purpose therein mentioned."

The Senate proceeded to the third reading of the bill, entitled "An act in addition to an act, entitled 'An act for establishing the salaries of the executive officers of government, with their assistants and clerks;'" and, the bill being amended,

On the question, shall this bill pass as amended? The yeas and nays were required by one-fifth of the Senators present:

YEAS.—Messrs. Butler, Carroll, Dickinson, Hawkins, Henry, Johnston, Izard, King, Langdon, Lee, Monroe, Morris, Read, and Schuyler.—14.

NAYS.—Messrs. Bassett, Dalton, Ellsworth, Elmer, Foster, Johnson, Stanton, Strong, and Wingate.—9.

So it was

*Resolved*, That this bill pass, with the following amendments:

To the end of the bill add,

'And be it further enacted, That there be allowed to the clerks, employed in the several offices attached to the seat of government, in addition to their respective salaries, their reasonable and necessary expenses incurred by the removal of Congress from the city of New York to the city of Philadelphia.'

'And be it further enacted, That there be allowed to the assistant Secretary of the Treasury, in addition to his salary, for one year, commencing with the passing of this act, four hundred dollars, to be paid in the same manner as his salary.'

*Ordered*, That the Secretary carry this bill to the House of Representatives, and request their concurrence in the amendments.

The Senate proceeded to the second reading of the bill, entitled "An act to compensate George Gibson;" and,

*Resolved*, That this bill be postponed until the next session of Congress:

Mr. Ellsworth, from the committee appointed to take into consideration the bill, entitled "An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes," reported the bill with amendments; and it was agreed to amend the bill accordingly.

*Ordered*, That this bill be now read the third time.

*Resolved*, That this bill pass, with the following amendments:

Sec. 1. Line 7, strike out from the word 'place,' to the word 'at,' line 9th, and insert, 'of his abode to any court of the United States, on which his attendance shall be requisite.'

Lines 16 to 19, strike out from the word 'serving,' to the word 'to,' and insert, 'and returning a writ, five cents per mile for his necessary travel.'

Strike out from the word 'jurors,' in the 19th line, to the word 'to,' in the 23d line, and insert 'such compensations respectively as they would by law be entitled to for attending the courts of the state of which they are citizens.'

Strike out from the word 'thereof,' in the 24th line, to the word 'that,' in the 25th line, and insert 'each, fifty cents per day for attending in court, and for travelling five cents per mile, from their respective places of abode, to the place where the court is held, and the like allowance for returning.'

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in these amendments.

The bill, entitled "An act to continue in force, for a limited time, the act, entitled "An act for the temporary establishment of the post-office," was read the third time.

On motion, it was agreed further to amend this bill.

*Resolved*, That this bill pass, with the following amendments:

Strike out the second section, and add, at the end of the bill,

'And be it further enacted, That the Postmaster General shall be, and he hereby is, authorized to extend the carrying of the mail from Albany, in the state of New-York, to Bennington, in the state of Vermont.'

*Ordered*, That the Secretary desire the concurrence of the House of Representatives in the amendments to this bill.

Mr. Monroe, from the committee appointed the 31st of January, to take into consideration the extract of a letter from Governor Randolph, to the President of the United States, containing a copy of the resolution of the commonwealth of Virginia, relative to the bounty lands to the officers and soldiers of the Virginia line; and to



whom was also referred the resolutions of the assembly of Virginia, upon the claims of sundry individuals, with the papers accompanying them, reported,

That, it appears to your committee, that the provisions made by the act, entitled "An act to enable the officers and soldiers of the Virginia line, on continental establishment, to obtain titles to certain lands lying northwest of the river Ohio, between the Little Miami and Sciota," are, in the opinion of your committee, sufficiently extensive to enable the said officers and soldiers, or their legal representatives, to obtain patents for the bounty lands promised them by acts of the United States, and by the laws of the commonwealth of Virginia, and that further legislative interference seems unnecessary; and the report was agreed to.

Mr. Monroe also reported, from the same committee:

That the claims alluded to may be classed as follows:

1st. Ten claims for pay, and depreciation of pay, by persons who had left the service of the United States, previous to the tenth day of April, one thousand seven hundred and eighty.

2d. Ten claims for pay, and depreciation of pay, by persons who left the service subsequent to the tenth of April, one thousand seven hundred and eighty.

3d. One claim for depreciation of pay, by a person who was not enlisted for three years, nor during the war.

4th. Two claims for military services, by persons who do not specify the period in which they were performed.

5th. Three claims for pensions, by persons wounded in the service of the United States.

6th. One claim for services performed in the Quartermaster General's Department.

7th. Ten claims for pay, and depreciation of pay, by persons employed in military services under the authority of the commonwealth of Virginia.

That, upon each of these claims, the Legislature of the commonwealth of Virginia have passed a resolution, referring some "to the proper officer under the federal government having cognizance of such cases;" on others, it has only been "resolved that they were reasonable;" on others, "that they were reasonable, and that the Auditor of Public Accounts be directed to adjust their claims, and issue certificates therefor." These last have probably been transmitted by mistake.

That those in the first class are not entitled to depreciation by any act of the late Congress; that, if any pay is still due to them, that can only be adjusted at the proper office.

That the states having been authorized to settle the depreciation of such as were in service on the tenth of April, one thousand seven hundred and eighty, and who were engaged for three years or during the war, those claims ought to have been adjusted by the state; that an adjustment for pay can only be had at the proper office.

The claim mentioned in the third class is totally unfounded.

That those in the fourth class can only be adjusted at the proper office.

That the claims of those in the fifth class are foreclosed by the act of the late Congress. That cases may, however, arise, in which an adherence to the foreclosing act would be improper. That, if the suggestion contained in the resolution, with respect to one of those, can be substantiated, legislative provision ought to be made on a proper application to Congress.

The claim in the sixth class can only be adjusted at the proper office.

The claims in the seventh class ought to have been adjusted by the state of Virginia, and might have been a proper charge in its account with the United States, but cannot now be allowed by Congress.

That only thirteen of the thirty-seven claims are accompanied with any kind of vouchers, and these very deficient.

That it appears to your committee, if any person has a demand against the United States so circumstanced as that a legislative provision is requisite to obtain an adjustment, the claimant, his assignee, or legal representative, ought to prefer an immediate application to Congress. That a decision on a claim against the United States by the legislature of any state tends to create embarrassments, and ought not to be countenanced by Congress.

That, therefore, it would be proper to permit the resolution of the Legislature of Virginia, of the 28th December last, with the particular resolutions and claims accompanying it, to be withdrawn.

On motion that the papers reported on by the committee be withdrawn,  
It passed in the negative.

And, on motion, it was agreed that the report of the committee be accepted.

A message from the President of the United States, by Mr. Lear, his Secretary:

*Mr. President:* The President of the United States has this day approved and signed the following acts:

“An act to amend an act for establishing the temporary and permanent seat of the government of the United States;” and

“An act making an appropriation for the purpose therein mentioned.” And he withdrew.

*Ordered,* That the Secretary acquaint the House of Representatives that the President of the United States has approved and signed the last mentioned bills.

Mr. Wingate reported from the committee appointed on the bill, entitled “An act for making compensation to the widows and orphan children of certain officers who were killed, or who died in the service of the United States, during the late war; and for the relief of certain invalids and other persons therein mentioned.”

Whereupon,

*Resolved,* That the further consideration of this bill be postponed until the next session of Congress.

The Senate resumed the second reading of the bill, entitled “An act supplementary to the act making provision for the reduction of the public debt;” which was amended; and

It was agreed, by unanimous consent, that this bill be now read the third time.

*Resolved,* That this bill pass, with the following amendments:

In the preamble, line 2, expunge from the word ‘of,’ to the word ‘an,’ in the 3d line.

Line 4 expunge these words, ‘or one of them.’

*Ordered,* That the Secretary desire the concurrence of the House of Representatives in the amendments.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives agree to the amendment of the Senate to their amendments on the bill, sent from the Senate for concurrence, entitled “An act for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions;”

They agree to the resolution, sent from the Senate for concurrence, respecting the establishment of a Mint, with an amendment, to wit:

Insert, line 4, after ‘such’ ‘principal;’

Expunge, line 5, “and workmen.”

The House of Representatives recede from their disagreement to the amendment of the Senate on the bill, sent from the House of Representatives for concurrence, entitled “An act for making compensations to the commissioners of loans for extraordinary expenses;”

They agree to the amendments of the Senate on the bill, sent from the House of Representatives for concurrence, entitled “An act to continue in force, for a limited time, an act, entitled ‘An act for the temporary establishment of the Post Office;’”

They also agree to the amendments of the Senate on the bill, sent from the House of Representatives for concurrence, entitled “An act in addition to ‘An act entitled an act for establishing the salaries of the executive officers of government, with their assistants and clerks;’”

The President of the United States has notified the House of Representatives that he has this day approved and signed the following acts:

“An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers;”

“An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same;”

“An act supplemental to the act establishing the Treasury Department, and for a further compensation to certain officers;” and

“An act relative to the rix dollar of Denmark.” And he withdrew.

The Senate proceeded to consider the amendments of the House of Representatives to the resolution, sent from the Senate for concurrence, relative to the establishment of a Mint; and

*Resolved,* That the Senate agree to the amendments on the said resolution.

*Ordered,* That the Secretary acquaint the House of Representatives therewith.

A message from the House of Representatives, by Mr. Beckley, their Clerk:



*Mr. President:* The House of Representatives agree to the amendments of the Senate on the bill, sent from the House of Representatives for concurrence, entitled "An act supplementary to the act making provision for the reduction of the public debt;"

They agree to some, and disagree to other, amendments of the Senate on the bill, sent from the House of Representatives for concurrence, entitled "An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes." And he withdrew.

The Senate proceeded to consider their amendments disagreed to by the House of Representatives, on the bill last mentioned, which are:

Amendment the 3d, line 19 to 25.

Amendment the 4th, line 24 to 25.

*Resolved,* That the Senate recede from the amendments disagreed to by the House of Representatives on the bill last mentioned.

*Ordered,* That the Secretary deliver a message to the House of Representatives accordingly.

The Senate agreed, by unanimous consent, so far to dispense with the rule, as that the bill, entitled "An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers," be now read the second time.

*Ordered,* That this bill be committed to Messrs. King, Ellsworth, and Read, to consider and report thereon.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives have agreed shortly to adjourn to 6 o'clock this evening. And he withdrew.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they had this day examined the enrolled bill, entitled "An act making compensation to the commissioners of loans for extraordinary expenses;" and the enrolled bill, entitled "An act, in addition to an act, entitled 'An act for establishing the salaries of the executive officers of government, with their assistants and clerks;' also, the enrolled "resolution respecting the establishment of a mint;" and the enrolled "resolution requesting the President of the United States to cause an estimate to be laid before Congress of the quantity and situation of lands not claimed by the Indians," and that they are duly enrolled.

Mr. King, from the committee appointed to take into consideration "the bill to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers," reported an amendment; which was adopted: whereupon,

It was agreed, by unanimous consent, so far to dispense with the rule, as that this bill be now read the third time.

*Resolved,* That this bill pass, with the following amendment:

At the end of the bill add: Provided, That nothing in the said act shall be construed to limit or restrain the power of the President of the United States to grant pardons for offences against the United States;

That the title of the bill be, "An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers;" that it be engrossed, and that the Secretary desire the concurrence of the House of Representatives therein.

*Ordered,* That the motion, made the first instant, respecting a treaty with the Wabash and Miami Indians, together with the motion for amendment, be postponed.

The Senate adjourned to 6 o'clock this evening.

#### THURSDAY EVENING, MARCH 3, 1791.

The Senate assembled agreeably to adjournment: present as in the morning.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives have passed "A resolve making a temporary provision for the safe-keeping of prisoners committed under the authority of the United States;" in which they desire the concurrence of the Senate.

The Speaker of the House of Representatives having signed several enrolled bills and resolves, I am directed to bring them to the Senate, for the signature of the Vice President. And he withdrew.

The Vice President affixed his signature to the following enrolled bills and resolves:

The bill, entitled "An act for making compensations to the commissioners of loans for extraordinary expenses."

The bill, entitled "An act in addition to an act, entitled 'An act for establishing the salaries of the executive officers of government, with their assistants and clerks.'"

"The resolve requesting the President of the United States to cause an estimate to be laid before Congress of the lands not claimed by the Indians;" and

"The resolve providing for the establishment of a mint."

And they were delivered to the Committee on Enrolled Bills, to be laid before the President of the United States, for his approbation.

The Senate took into consideration "The resolve providing for the safe-keeping of prisoners committed under the authority of the United States," sent from the House of Representatives for concurrence; which is as follows:

1 Whereas Congress did, by a resolution of the twenty-third day of September,  
2 one thousand seven hundred and eighty-nine, recommend to the several states to  
3 pass laws making it expressly the duty of the keepers of their jails to receive,  
4 and safe keep therein, all prisoners committed under the authority of the United  
5 States: in order, therefore, to ensure the administration of justice,

1 Resolved, by the Senate and House of Representatives of the United States of  
2 America in Congress assembled, That, in case any states shall not have complied  
3 with the said recommendation, the marshal in such state, under the direction of  
4 the judge of the district, be authorized to hire a convenient place to serve as a  
5 temporary jail, and to make the necessary provision for the safe-keeping of pri-  
6 soners committed under the authority of the United States, until permanent pro-  
7 vision shall be made by law for that purpose; and the said marshal shall be allow-  
8 ed his reasonable expenses incurred for the above purposes, to be paid out of  
9 the Treasury of the United States.

And, *Resolved*, That the Senate concur therein.

*Ordered*, That the Secretary communicate this resolution of concurrence to the House of Representatives.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President*: The House of Representatives have passed a bill, entitled "An act for carrying into effect the convention between his Most Christian Majesty and the United States;" in which they desire the concurrence of the Senate. And he withdrew.

The bill was read the first time, as follows:

An Act for carrying into full effect the Convention between his Most Christian Majesty and the United States of America.

1 For carrying into full effect the Convention between his Most Christian Majes-  
2 ty and the United States of America, entered into for the purpose of defining and  
3 establishing the functions and privileges of their respective consuls,

1 Sec. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
2 ed States of America in Congress assembled, That where, in the seventh arti-  
3 cle of the said convention, it is agreed "that when there shall be no consul or  
4 vice consul of the Most Christian King to attend to the saving of the wreck of  
5 any French vessels stranded on the coasts of the United States, or that the resi-  
6 dence of the said consul or vice consul (he not being at the place of the wreck)  
7 shall be more distant from the said place than that of the competent judge of the  
8 country, the latter shall immediately proceed to perform the office therein pre-  
9 scribed," the nearest district judge of the United States shall proceed therein  
10 according to the tenor of the said article. The district judges of the United  
11 States shall also, within their respective districts, be the competent judges for  
12 the purposes expressed in the ninth article of the said convention; and it shall be  
13 incumbent on them to give aid to the consuls and vice consuls of his Most Chris-  
14 tian Majesty, in arresting and securing deserters from the French nation, accord-  
15 ing to the tenor of the said article. And where, by any article of the said con-  
16 vention, the consuls and vice consuls of his Most Christian Majesty are entitled  
17 to the aid of the competent executive officers of the country, in the execution of  
18 any precept, the marshals of the United States, and their deputies, shall, within  
19 their respective districts, be the competent officers, and shall give their aid ac-  
20 cording to the tenor of the stipulations; and whenever commitments to the jails  
21 of the country shall become necessary, in pursuance of any stipulation of the said  
22 convention, they shall be to such jails within the respective districts as other  
23 commitments under the authority of the United States are by law made.

March 3d, 1791: Passed the House of Representatives.



On the question, Shall this bill pass to the second reading at this time? The yeas and nays were required by one fifth of the Senators present :

YEAS.—Messrs. Carroll, Dalton, Foster, Hawkins, Henry, Johnston, Izard, Langdon, Lee, Maclay, Monroe, Stanton, and Strong.—13.

NAYS.—Messrs. Bassett, Ellsworth, Johnson, King, Morris, and Schuyler —6.

It passed in the negative; the rule rendering it necessary, that there should be unanimous consent for reading a bill the second time, on the same day.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The House of Representatives concur in the bill sent from the Senate, entitled "An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers." And he withdrew.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they had examined the following bills, and that they were duly enrolled:

The bill, entitled "An act to continue in force, for a limited time, an act, entitled 'An act for the temporary establishment of the post-office,'" the bill, entitled "An act supplementary to the act making provision for the reduction of the public debt;" the bill, entitled "An act for granting lands to the inhabitants and settlers at Vincennes and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions;" and the bill, entitled "An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes."

Mr. Foster further reported, that the committee had laid before the President of the United States, on this day, for his approbation, the bill, entitled "An act for making compensations to the commissioners of loans, for extraordinary expenses;" the bill, entitled "An act in addition to an act for establishing the salaries of the executive officers of government, with their assistants and clerks;" "the resolve requesting the President of the United States to cause an estimate to be laid before Congress of the lands claimed by the Indians;" and "the resolve for establishing the Mint."

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate, for the signature of the Vice President.

The House of Representatives have passed a bill, entitled "An act for the relief of David Cook," in which they desire the concurrence of the Senate. And he withdrew.

The Vice President affixed his signature to the following enrolled bills: the bill, entitled "An act for granting lands to the inhabitants and settlers at Vincennes, and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions;" the bill, entitled "An act supplementary to the act making provision for the reduction of the public debt;" the bill, entitled "An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes;" and the bill, entitled "An act to continue in force, for a limited time, an act, entitled 'An act for the temporary establishment of the post-office,'" and they were delivered to the Committee on Enrolled Bills, to be laid before the President of the United States, for his approbation.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they had this day laid the four last mentioned enrolled bills before the President of the United States.

Mr. Foster also reported, that they had examined and found duly enrolled the following bills: the bill, entitled "An act making further provision for the collection of the duties by law imposed on teas, and to prolong the time for the payment of the duties on wines;" and the bill, entitled "An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers."

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The Speaker of the House of Representatives having signed several enrolled bills, I am directed to bring them to the Senate, for the signature of the Vice President. And he withdrew.

The Vice President affixed his signature to the bill, entitled "An act making further provision for the collection of the duties by law imposed on teas, and to prolong the time for the payment of the duties on wines;" and the bill, entitled "An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers;" and they were delivered to the Committee on Enrolled Bills, to be laid before the President of the United States for his approbation.

A message from the President of the United States, by Mr. Lear, his Secretary:

*Mr. President:* The President of the United States has this day approved and signed "the resolve for establishing the mint;" and "the resolve requesting the President of the United States to cause an estimate to be laid before Congress of the lands not claimed by the Indians." And he withdrew.

*Ordered,* That the Secretary communicate the purport of this message to the House of Representatives.

The bill, entitled "An act for the relief of David Cook," was read the first time, as follows:

**An act for the relief of David Cook.**

1     Sec. 1. Be it enacted by the Senate and House of Representatives of the United  
2     States of America in Congress assembled, That David Cook, a captain of artillery  
3     in the late war, and who, being shot through the body at the battle of Monmouth,  
4     is rendered incapable to obtain his livelihood by labor, shall be placed on the pen-  
5     sion list of the United States, and shall be entitled to one third of his monthly pay  
6     as a captain of artillery: Provided, That he return into the Treasury Office two-  
7     thirds of his commutation of half pay, being the proportion of his pension to the  
8     amount of his commutation.

1791, March 3: Passed the House of Representatives.

And, on the question, Shall this bill be read the second time?

It passed in the negative.

Mr. Foster, from the Committee on Enrolled Bills, reported, that they had this day laid before the President of the United States, for his approbation, the following enrolled bills: The bill, entitled "An act making further provision for the collection of the duties by law imposed on teas, and to prolong the time for the payment of the duties on wines;" and the bill, entitled "An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers."

Mr. Foster further reported, from the Committee on Enrolled Bills, that they had examined "the resolve making a temporary provision for the safe-keeping of prisoners committed under the authority of the United States," and that it was duly enrolled.

A message from the House of Representatives, by Mr. Beckley, their Clerk:

*Mr. President:* The Speaker of the House of Representatives having signed an enrolled resolve, I am directed to bring it to the Senate for the signature of the Vice President.

The President of the United States has notified the House of Representatives that he has this day approved and signed several acts which originated in that House; a list of which I am directed to bring to the Senate. And he withdrew.

The acts referred to in the message, and this day approved and signed by the President of the United States, are,

"An act for making compensations to the commissioners of loans for extraordinary expenses;" and,

An act, in addition to an act, entitled "An act for establishing the salaries of the executive officers of government, with their assistants and clerks."

The Vice President signed the enrolled "resolve making a temporary provision for the safe-keeping of prisoners committed under the authority of the United States;" and it was delivered to the Committee on Enrolled Bills, to be laid before the President of the United States for his approbation.

Mr. Foster reported, from the Committee on Enrolled Bills, that they had this day laid the last mentioned resolve before the President of the United States.

A message from the President of the United States, by Mr. Lear, his Secretary:

*Mr. President:* The President of the United States has this day approved and signed the following acts which originated in the Senate: "An act to continue in force the act therein mentioned, and to make further provision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers;" and "An act for granting lands to the inhabitants and settlers at Vincennes, and the Illinois country, in the territory northwest of the Ohio, and for confirming them in their possessions." And he withdrew.

*Ordered,* That the Secretary acquaint the House of Representatives that the President of the United States has this day approved and signed the acts last mentioned.

A message from the House of Representatives, by Mr. Beckley, their Clerk:



*Mr. President:* The President of the United States has notified the House of Representatives that he has this day approved and signed several acts which originated in that House.

I am directed to acquaint the Senate that the House of Representatives, having completed the business before them, intend shortly to adjourn without day. And he withdrew.

The acts referred to in the last message, and this day approved and signed by the President of the United States, are,

“An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes.”

“An act making further provision for the collection of the duties by law imposed on teas, and to prolong the time for the payment of the duties on wines.”

“An act to continue in force, for a limited time, an act, entitled “An act for the temporary establishment of the post-office.”

“An act supplementary to the act making provision for the reduction of the public debt;” and,

“A resolve, making a temporary provision for the safe keeping of prisoners committed under the authority of the United States.”

*Ordered,* That the Secretary acquaint the House of Representatives that the Senate, having completed the legislative business before them, are about to adjourn; and having acquainted the Vice President that he had delivered the message,

The Senate adjourned without day,

Attest,

SAMUEL A. OTIS, *Secretary.*

## APPENDIX.

---

### TITLES OF THE ACTS AND RESOLVES PASSED AT THE THIRD SESSION OF CONGRESS.

An act supplementary to the act, entitled "An act making further provision for the payment of the debts of the United States."

An act to provide for the unlading of ships or vessels, in cases of obstruction by ice.

An act to continue an act, entitled "An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia, and Rhode Island and Providence Plantations, so far as the same respects the states of Georgia and Rhode Island and Providence Plantations."

An act declaring the consent of Congress that a new state be formed within the jurisdiction of the commonwealth of Virginia, and admitted into this Union, by the name of the state of Kentucky.

An act declaring the consent of Congress to a certain act of the state of Maryland.

An act making appropriations for the support of government during the year one thousand seven hundred and ninety-one, and for other purposes.

An act for the admission of the state of Vermont into this Union.

An act to continue in force, for a limited time, "An act passed at the first session of Congress, entitled 'An act to regulate processes in the courts of the United States.'"

An act regulating the number of Representatives to be chosen by the states of Kentucky and Vermont.

An act to incorporate the subscribers to the Bank of the United States.

An act supplementary to the act, entitled "An act to incorporate the subscribers to the bank of the United States."

An act giving effect to the laws of the United States within the state of Vermont.

An act to explain and amend an act, entitled "An act making further provision for the payment of the debts of the United States."

An act fixing the time for the next annual meeting of Congress.

An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the United States, and for appropriating the same.

An act making an appropriation for the purpose therein mentioned.

An act to amend "An act for establishing the temporary and permanent seat of the government of the United States."

An act supplemental to the act "establishing the Treasury Department," and for a further compensation to certain officers.

An act relative to the rix dollar of Denmark.

An act in addition to an act, entitled "An act for establishing the salaries of the executive officers of government, with their assistants and clerks."

An act for making compensations to the commissioners of loans for extraordinary expenses.

An act providing compensations for the officers of the judicial courts of the United States, and for jurors and witnesses, and for other purposes.

An act to continue in force, for a limited time, an act, entitled "An act for the temporary establishment of the post office."

An act to continue in force the act therein mentioned, and to make further pro-



vision for the payment of pensions to invalids, and for the support of light-houses, beacons, buoys, and public piers.

An act supplementary to the act making provision for the reduction of the public debt.

An act making further provision for the collection of the duties by law imposed on teas, and to prolong the time for the payment of the duties on wines.

An act for granting lands to the inhabitants and settlers at Vincennes, and the Illinois country, and the territory northwest of the Ohio, and for confirming them in their possessions.

An act for raising and adding another regiment to the military establishment of the United States, and for making further provision for the protection of the frontiers.

A resolve authorizing Andrew Brown, or any other printer, to publish the laws of the United States.

A resolve expressive of the sensibility of Congress for the tribute paid to the memory of Dr. Benjamin Franklin, by the National Assembly of France.

A resolve establishing a mint.

A resolve requesting the President of the United States to cause an estimate to be made of the lands not claimed nor granted within the cession of North Carolina, and the territory northwest of the Ohio.

A resolve authorizing the marshals of districts to provide temporary jails, when necessary.

---

*Sundry acts approved, but not entered in course when the bills were first read in the Senate.*

An act supplementary to the act, entitled "An act making further provision for the payment of the debts of the United States."

1 Whereas no express provision has been made for extending the act, entitled  
2 "An act to provide more effectually for the collection of the duties imposed by  
3 law on goods, wares, and merchandise, imported into the United States, and on  
4 the tonnage of ships or vessels," to the collection of the duties imposed by the  
5 said "Act making further provision for the payment of the debts of the United  
6 States," doubts concerning the same may arise; therefore,

1 SEC. 1. Be it enacted by the Senate and House of Representatives of the United  
2 States of America in Congress assembled, That the act, entitled "An act to pro-  
3 vide more effectually for the collection of the duties imposed by law on goods,  
4 wares, and merchandise, imported into the United States, and on the tonnage of  
5 ships or vessels," doth and shall extend to, and be in force for, the collection of  
6 the duties specified and laid, in and by the act, entitled "An act making further  
7 provision for the payment of the debts of the United States," as fully and effec-  
8 tually, as if every regulation, restriction, penalty, provision, clause, matter, and  
9 thing, therein contained, had been inserted in, and re-enacted by, the act last  
10 aforesaid.

1790, December 16: Originated in the Senate, and passed the 17th, and on the same day the House of Representatives concurred without amendment.

27th—Approved.

An act to continue an act, entitled, "An act declaring the assent of Congress to certain acts of the states of Maryland, Georgia and Rhode-Island and Providence Plantations, so far as the same respects the states of Georgia, and Rhode-Island and Providence Plantations."

1 SEC. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
2 ed States of America in Congress assembled, That the act passed the last ses-  
3 sion of Congress, entitled "An act declaring the assent of Congress to certain acts  
4 of the states of Maryland, Georgia, and Rhode Island and Providence Plantations,  
5 so far as the same respects the states of Georgia, and Rhode Island and Provi-



6 dence Plantations," shall be continued, and is hereby declared to be in full force  
7 for the further term of one year, and from thence to the end of the then next ses-  
8 sion of Congress, and no longer.

1790, December 20: Sent from the House of Representatives for concurrence.

1791, January 6: The Senate amended and concurred as above.

10: Approved.

An act to provide for the unlading of ships or vessels, in cases of obstruction by ice.

1 Whereas it sometimes happens that ships or vessels are obstructed by ice, in  
2 their passage to the ports of their destination, and it is necessary that provision  
3 should be made for unlading such ships or vessels:

1 SEC. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
2 ed States of America in Congress assembled, That in all cases where a ship or  
3 vessel shall be prevented by ice, from getting to the port at which her cargo is  
4 intended to be delivered, it shall be lawful for the collector of the district in which  
5 such ship or vessel may be so obstructed, to receive the report and entry of any  
6 such ship or vessel, and, with the consent of the naval officer, (where there is one,)  
7 to grant a permit or permits for unlading or landing the goods, wares, or mer-  
8 chandise, imported in such ship or vessel, at any place within his district, which  
9 shall appear to him to be most convenient and proper.

1 SEC. 2. And be it further enacted, That the report and entry of such ship or  
2 vessel and of her cargo, or any part thereof, and all persons concerned therein,  
3 shall be under and subject to the same rules, regulations, restrictions, penalties,  
4 and provisions, as if the said ship or vessel had arrived at the port of her destina-  
5 tion, and had there proceeded to the delivery of her cargo.

1791, January 3: Passed the House of Representatives.

5: The Senate concurred without amendment.

7: Approved.

An act declaring the consent of Congress to a certain act of the state of Maryland.

1 SEC. 1. Be it enacted by the Senate and House of Representatives of the United  
2 States of America in Congress assembled, That the consent of Congress be, and  
3 is hereby, granted and declared to the operation of an act of the general assembly  
4 of Maryland, made and passed at a session begun and held at the city of Annapo-  
5 lis, on the first Monday in November last, entitled "An act to empower the war-  
6 dens of the port of Baltimore to levy and collect the duty therein mentioned," un-  
7 til the tenth day of January next, and from thence until the end of the then next  
8 session of Congress, and no longer.

1791, January 31: Before the Senate for concurrence.

February 2: Passed the Senate without amendment.

9: Approved.

An act making appropriations for the support of government during the year one thousand seven hundred and ninety-one, and for other purposes.

1 SEC. 1. Be it enacted by the Senate and House of Representatives of the Unit-  
2 ed States of America in Congress assembled, That there be appropriated the  
3 several sums, and for the several purposes, following, to wit: A sum, not exceeding  
4 two hundred and ninety-nine thousand two hundred and seventy-six dollars and  
5 fifty-three cents, for defraying the expenses of the civil list, as estimated by the  
6 Secretary of the Treasury, in the statement number one, accompanying his report  
7 to the House of Representatives of the sixth instant, including the contingencies  
8 of the several executive officers, and of the two Houses of Congress, which are  
9 hereby authorized and granted: A sum, not exceeding fifty thousand seven hun-  
10 dred and fifty-six dollars and fifty-three cents, for satisfying the several objects  
11 specified in the statement number two, accompanying the report aforesaid, all  
12 such whereof as may not have been heretofore provided for by law, being hereby  
13 authorized: And a sum, not exceeding three hundred and ninety thousand one  
14 hundred and ninety-nine dollars and fifty-four cents, for the use of the Depart-  
15 ment of War, pursuant to the statement number three, accompanying the report  
16 aforesaid, including therein the sum of one hundred thousand dollars for defray-  
17 ing the expenses of an expedition lately carried on against certain Indian tribes:  
18 And the sum of eighty-seven thousand four hundred and sixty-three dollars and  
19 sixty cents, being the amount of one year's pensions to invalids, together with  
20 the contingencies of the said department, which are hereby authorized: Which



21 several sums shall be paid out of the funds following, namely: The sum of six hun-  
22 dred thousand dollars, which, by the act, entitled "An act making provision for  
23 the debt of the United States," is reserved yearly for the support of the govern-  
24 ment of the United States, and their common defence;" the amount of such sur-  
25 plusses as may remain in the Treasury, after satisfying the purposes for which  
26 appropriations were made by the acts respectively, entitled "An act making ap-  
27 propriations for the service of the present year," passed the twenty-ninth day of  
28 September, one thousand seven hundred and eighty-nine; "An act making ap-  
29 propriations for the support of government for the year one thousand seven hun-  
30 dred and ninety," passed the twenty-sixth day of March, one thousand seven  
31 hundred and ninety; "An act making certain appropriations therein mentioned,"  
32 passed the twelfth day of August, one thousand seven hundred and ninety; and  
33 the product, during the present year, of such duties as shall be laid in the present  
34 session of Congress.

1791, February 2: Sent for concurrence.

8: Passed the Senate without amendment.

11: Approved.

*Appropriation of Ten Thousand Dollars, for the purpose of defraying the Contingent Charges of Government, by the Act of 26th March, 1790.*

Dn.

1790.		For the following payments made upon orders of the President of the United States.	
August 17.	His order in favor of Peter Maverick, for sundry seals furnished for the supreme and other courts of the United States - - - - -	\$ 91 08	
27.	Ditto in favor of Royal Flint, agent for Jeremiah Wadsworth, being the amount of an account for apprehending the Cranes, and others, concerned in counterfeiting, &c. -	1,061 00	
31.	Ditto in favor of Mark Leavenworth, agent for Amos Doolittle, for a seal made for the district court of Connecticut - - -	8 00	
Septem. 2.	Ditto in favor of Peter Maverick, for a seal for the district court of Rhode Island - -	5 50	
October 5.	Ditto in favor of Cyrus Griffin, judge for the district of Virginia, for cash paid by him for a seal, and an iron screw, for the use of said district - - - - -	19 33	
			1,184 91
	Balance, subject to the orders of the President of the United States - - - - -		8,815 09
		DOLLARS,	10,000 00

Cr.

By said appropriation - - - - - \$10,000 00

TREASURY DEPARTMENT,

REGISTER'S OFFICE, *January 15, 1791.*

JOSEPH NOURSE, *Reg.*



*The Classes of the Senators of the United States, during the First Congress.*

TWO YEARS CLASS.	FOUR YEARS CLASS.	SIX YEARS CLASS.
Mr. Carroll,	Mr. Bassett,	Mr. Gunn,
Mr. Dalton,	Mr. Butler,	Mr. Hawkins,
Mr. Ellsworth,	Mr. Dickinson,	Mr. Henry,
Mr. Elmer,	Mr. Few,	Mr. Johnson,
Mr. Foster,	Mr. Johnston,	Mr. Izard,
Mr. Maclay,	Mr. Lee,	Mr. King,
Mr. Monroe,	Mr. Stanton,	Mr. Langdon, and
Mr. Read, and	Mr. Strong, and	Mr. Morris.
Mr. Schuyler.	Mr. Wingate.	

*March 3, 1791.*

*Ratifications of the Articles of Amendment to the Constitution of the United States, proposed by the Resolution of Congress at their First Session under the said Constitution, to wit:*

<i>The States in Alphabetical Order.</i>	<i>Ratifies the Whole.</i>	<i>Postpone or Reject.</i>	<i>Postpone or Reject.</i>
1 Of Delaware - -	- -	the 1st.	
2 Maryland - -	1 to 12		
3 New Hampshire - -	- -	-	2d.
4 New Jersey - -	- -	-	2d.
5 New York - -	- -	-	2d.
6 North Carolina - -	1 to 12		
7 Pennsylvania - -	- -	the 1st.	
8 Rhode Island - -	1 to 12		
9 South Carolina - -	1 to 12		

The other states have made no return.

*March 3, 1791.*